

and egress to the property and impounded waters and that the right to engage in hunting, camping, fishing, boating, and swimming thereon shall always be free to the public; providing that public roads, streets, and State highways now traversing the area covered by impounded waters shall remain open to the waters as public passage; requiring the District when acquiring lands to acquire strips of land on both sides of the reservoirs to be assigned to the State of Texas and controlled by the Game, Fish and Oyster Commission of the State of Texas to be kept open to the public at all times without charge; defining the word District, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

FIFTY-FOURTH DAY

(Monday, April 19, 1937)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Calvert.

The roll of the House was called, and the following Members were present:

Mr. Speaker	Davison of Fisher
Adkins	Davisson
Alexander	of Eastland
Alsup	Dean
Amos	Deglandon
Baker	Derden
Bates	Dickison
Beckworth	Dollins
Bell	England
Blankenship	Farmer
Boethel	Felty
Bond	Fielden
Boyer	Fox
Bradbury	Fuchs
Bradford	Gibson
Bridgers	Graves
Broadfoot	Hamilton
Brown	Hankamer
Burton	Hanna
Cagle	Hardin
Callan	Harper
Carsow	Harrell
Cathey	Harris of Archer
Cauthorn	Harris of Dallas
Celaya	Harris of Dickens
Cleveland	Hartzog
Colquitt	Heflin
Davis of Haskell	Herzik
Davis of Jasper	Holland

Hoskins	Palmer
Howard	Patterson of Mills
Huddleston	Patterson
Hull	of Travis
Hyder	Petsch
Jackson	Powell
James	Prescott
Johnson of Ellis	Quinn
Johnson	Ragsdale
of Tarrant	Reader
Jones of Atascosa	Reed of Bowie
Jones of Falls	Reed of Dallas
Jones of Wise	Rhodes
Keefe	Riddle
Keith	Roark
Kelt	Ross
Kenyon	Russell
Kern	Rutta
King	Schuenemann
Knetsch	Settle
Langdon	Sewell
Lankford	Sharpe
Lanning	Shell
Leath	Simpson
Leonard	Skaggs
Leyendecker	Smith of Hopkins
Little	Smith
Loggins	of Matagorda
London	Stevenson
Mann	Stinson
Mauritz	Stocks
Mays	Talbert
McConnell	Tarwater
McCracken	Tennant
McDonald	Tennyson
McFarland	Thornberry
McKee	Thornton
McKinney	Vale
Metcalfe	Waggoner
Moffett	Walker
Monkhouse	Weldon
Morris	Westbrook
Morse	Winfree
Newton	Wood
Nicholson	Worley
Oliver	

Absent

Harbin	Smith of Tarrant
Pope	

Absent—Excused

Jones of Angelina Lucas

A quorum was announced present.

Prayer was offered by Rev. George W. Coltrin, Chaplain.

LEAVES OF ABSENCE GRANTED

The following Member was granted leave of absence on account of important business:

Mr. Jones of Angelina for this morning, on motion of Mr. London.

The following Member was granted leave of absence on account of illness:

Mr. Lucas for today, on motion of Mr. Davis of Haskell.

BILL ORDERED PRINTED

Mr. Reader moved that House Bill No. 405, reported adversely, with a minority favorable report, be printed.

Question recurring on the motion to print, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—111

Adkins	Howard
Alsup	Hull
Amos	Jackson
Baker	James
Bates	Johnson of Ellis
Beckworth	Johnson
Bell	of Tarrant
Blankenship	Jones of Atascosa
Boethel	Jones of Falls
Bond	Jones of Wise
Bradbury	Keefe
Bridgers	Kelt
Broadfoot	Kenyon
Brown	King
Burton	Knetsch
Cagle	Langdon
Callan	Lankford
Carssow	Lanning
Cathey	Leonard
Cauthorn	Leyendecker
Celaya	Loggins
Cleveland	London
Davis of Haskell	Mann
Davis of Jasper	Mauritz
Davison of Fisher	Mays
Davisson	McConnell
of Eastland	McCracken
Dean	McDonald
Deglandon	McKee
Derden	Moffett
Dickison	Monkhouse
Dollins	Morris
England	Morse
Felty	Newton
Fielden	Oliver
Fox	Patterson of Mills
Fuchs	Patterson
Hamilton	of Travis
Hankamer	Powell
Hardin	Prescott
Harrell	Quinn
Harris of Dallas	Ragsdale
Harris of Dickens	Reader
Hartzog	Reed of Bowie
Heflin	Reed of Dallas
Herzik	Rhodes
Holland	Riddle
Hoskins	Ross

Russell	Stocks
Rutta	Talbert
Schuenemann	Tarwater
Sewell	Tennyson
Sharpe	Thornberry
Shell	Vale
Simpson	Weldon
Smith	Winfree
of Matagorda	Worley
Stinson	

Nays—17

Alexander	Petsch
Colquitt	Roark
Farmer	Smith of Hopkins
Gibson	Tennant
Graves	Thornton
Hanna	Waggoner
Hyder	Walker
Kern	Wood
Metcalf	

Absent

Boyer	McKinney
Bradford	Nicholson
Harbin	Palmer
Harper	Pope
Harris of Archer	Settle
Huddleston	Skaggs
Keith	Smith of Tarrant
Leath	Stevenson
Little	Westbrook
McFarland	

Absent—Excused

Jones of Angelina Lucas

HOUSE BILLS ON FIRST READING

Mr. Leath moved to introduce, at this time, and have placed on first reading, House Bill No. 1111.

The motion prevailed by the following vote:

Yeas—124

Adkins	Callan
Alsup	Carssow
Amos	Cauthorn
Baker	Celaya
Bates	Cleveland
Beckworth	Colquitt
Bell	Davis of Haskell
Blankenship	Davison of Fisher
Boethel	Davisson
Bond	of Eastland
Bradbury	Dean
Bridgers	Deglandon
Broadfoot	Derden
Brown	Dickison
Burton	Dollins
Cagle	England

Farmer	McDonald
Felty	McKee
Fielden	Metcalfe
Fox	Moffett
Fuchs	Monkhouse
Gibson	Morris
Graves	Morse
Hamilton	Newton
Hankamer	Oliver
Hanna	Patterson
Hardin	of Travis
Harris of Dallas	Powell
Harris of Dickens	Prescott
Hartzog	Quinn
Heflin	Ragsdale
Herzik	Reed of Bowie
Holland	Reed of Dallas
Hoskins	Rhodes
Howard	Riddle
Hull	Ross
Hyder	Russell
Jackson	Rutta
James	Schuenemann
Johnson of Ellis	Settle
Johnson	Sewell
of Tarrant	Sharpe
Jones of Atascosa	Shell
Jones of Falls	Simpson
Jones of Wise	Smith of Hopkins
Keefe	Smith
Keith	of Matagorda
Kelt	Stinson
Kenyon	Stocks
Kern	Talbert
King	Tarwater
Knetsch	Tennant
Langdon	Tennyson
Lankford	Thornberry
Lanning	Thornton
Leonard	Vale
Leath	Waggoner
Leyendecker	Walker
Loggins	Weldon
London	Westbrook
Mann	Winfree
Mauritz	Wood
McConnell	Worley
McCracken	

Absent

Alexander	McFarland
Boyer	McKinney
Bradford	Nicholson
Cathey	Palmer
Davis of Jasper	Patterson of Mills
Harbin	Petsch
Harper	Pope
Harrell	Reader
Harris of Archer	Roark
Huddleston	Skaggs
Little	Smith of Tarrant
Mays	Stevenson

Absent—Excused

Jones of Angelina Lucas

The Speaker then laid the bill before the House, it was read first time, and referred to the appropriate committee, as follows:

By Mr. Leath:

H. B. No. 1111, A bill to be entitled "An Act amending Subsection 2 of Article 3902, Revised Civil Statutes of Texas, 1925, as amended by Acts of the Forty-first Legislature, First Called Session, Chapter 92; as amended by Acts of the Forty-second Legislature, Chapter 214; as amended by Acts of the Forty-third Legislature, Chapter 220, paragraph 3; as amended by Acts of the Forty-third Legislature, Second Called Session, Chapter 59, paragraph 2; as amended by Acts of the Forty-third Legislature, Third Called Session, Chapter 63, paragraph 1; as amended by Acts of the Forty-fourth Legislature, Chapter 282, paragraph 1; . . . etc., and declaring an emergency."

Referred to the Committee on Counties.

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Mauritz:

H. B. No. 1112, A bill to be entitled "An Act to prohibit the hunting, trapping, ensnaring or killing of any wild deer, buck, doe or fawn or wild quail within the confines of Commissioners' Precinct No. Three, Wharton County, Texas, for a period of five years; prescribing a penalty for the violation of the provisions of this Act, and declaring an emergency."

Referred to the Committee on Game and Fisheries.

By Mr. Bradford:

H. B. No. 1113, A bill to be entitled "An Act abolishing the office of County School Superintendent in counties in this State with a population of not less than 10,154, and not more than 10,160, according to the last preceding Federal Census, and in which there are not residing outside the boundaries of the Independent School Districts more than 1,000 schoolastics; . . . etc., and declaring an emergency."

Referred to the Committee on Education.

ADDITIONAL SIGNERS OF HOUSE BILLS

By unanimous consent of the House, the following Members were authorized to sign bills, as co-authors of same, as follows:

Mr. Kern, House Bill No. 1106.

Mr. Carssow, House Bill No. 68.

REQUEST OF SENATE GRANTED

On motion of Mr. Tennyson, the House granted the request of the Senate for the appointment of a conference committee to adjust the differences between the two Houses on Senate Bill No. 47.

TO GRANT PERMISSION TO SUE THE STATE

Mr. McConnell offered the following resolution:

H. C. R. No. 97, To grant Creed M. Click permission to sue the State.

Whereas, Creed M. Click, Jr., of Bandera, Bandera County, Texas, while employed by the Texas State Highway Department and the Texas State Highway Commission, on or about May 13th, 1935, and in the County of Bandera, and late in the afternoon, after working all day on a trap to be used in the loading of gravel, was instructed and asked to help raise a sand drag or an instrumentality used around a rock crusher for the purpose of helping handle sand upon a tower about ten feet high; and

Whereas, When said sand drag had been raised about as high as an average man's head the scaffold upon which it was necessary for the said Creed M. Click, Jr., to stand, gave way and fell, throwing the said Creed M. Click, Jr., to the ground with the sand drag and a part of the scaffold falling on him and resulted in crushing some of the bones in his right ankle, necessitating his being taken to San Antonio for treatment; and

Whereas, Said accident apparently resulted in temporary and permanent injury to the said Creed M. Click, Jr., for which he has not been paid for damages or reimbursed, necessitating his bringing a suit against the State of Texas and/or the Texas State Highway Department and/or the

Texas State Highway Commission for such injury sustained; therefore, be it

Resolved by the House of Representatives, the Senate concurring, and the Governor approving, That the said Creed M. Click, Jr., be and he is hereby given permission and fully and legally authorized to file and prosecute his suit for damages resulting from such injury against the State of Texas and/or Texas State Highway Department and/or Texas State Highway Commission and the consent of the State of Texas is hereby given to the said Creed M. Click, Jr., to prosecute and maintain such suit, and venue for such suit may be maintained and established and shall lie in Bandera County, Texas; and, be it further

Resolved, That the service of all necessary processes may be had upon the Chairman of the Texas State Highway Department and such service shall be binding both on the Texas State Highway Department and the Texas State Highway Commission and the State of Texas; and, be it further

Resolved, That when a copy of this resolution is filed in said suit with the papers, it shall be conclusive evidence that the State of Texas has given its consent for the maintenance of such action; and, be it further

Resolved, That the said Creed M. Click, Jr., have full right and authority to do all those things necessary and incidental to the filing, bringing and maintaining such action; and that the rules, practice and procedure and laws of this State now applicable to the bringing of suits in the District Courts of this State and the service of process shall be applicable to and govern the prosecution of said action.

The resolution was read second time, and was referred, by the Speaker, to the Committee on State Affairs.

REQUESTING CERTAIN INFORMATION FROM STATE DEPARTMENTS

Mr. Bradbury offered the following resolution:

Whereas, It is thought that several State departments and several divisions of the State government have in

their employ what is known as public relations employees; and

Whereas, It is not known what these employees are good for or what they are accomplishing unless it is to lobby and promote the political campaigns of their employers; and

Whereas, It is supposed that these so called public relations employees are drawing stupendous salaries; and

Whereas, We will soon consider the appropriation bills for the different divisions of government and we should have the information as to the amount of salaries these men draw and the duties they perform; now, therefore, be it

Resolved by the House of Representatives, That the Chief Clerk of the House be instructed to address a letter of communication to the heads of the various departments and divisions of State government calling upon them to send to the Chief Clerk the names of all public relations employees or employees of a similar nature, the amount of their salaries and expense account, the duties they are supposed to perform, and the duties that they really do perform, and every other fact relative to their employment. It is further provided that they should have this information filed with the Chief Clerk of the House not later than ten days after the final passage of this resolution. It is specifically provided that no money is hereby appropriated.

The resolution was read second time, and was adopted.

MESSAGE FROM THE SENATE

Austin, Texas, April 19, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

H. C. R. No. 79, Granting Grover C. Ditto and wife permission to sue the State.

S. C. R. No. 53, Authorizing the Christian Restoration Association to sue the State.

S. C. R. No. 55, Granting Dr. H. R. Allman permission to sue the State.

H. B. No. 95, A bill to be entitled "An Act providing that all private corporations which have heretofore been incorporated and are now authorized by their charters and the statutes of this State to operate street

and interurban railways with power to distribute and sell gas and electricity to the public and which have heretofore abandoned or discontinued or may hereafter abandon or discontinue the operation of street and interurban railways and motor busses substituted therefore are hereby authorized to continue to distribute and sell electricity and gas during the unexpired period of their corporate charters just as though they continued the operation of said street and interurban railways or motor busses, or both, and declaring an emergency."

H. B. No. 125, A bill to be entitled "An Act amending Article 5285, Revised Civil Statutes of 1925, so as to provide that Deputy County Surveyor shall not be required to give a larger bond than the County Surveyor."

H. B. No. 369, A bill to be entitled "An Act amending Article 2942, Revised Civil Statutes, 1925, by adding thereto a section to be known as Article 2942a by providing that upon petition of at least 8% of the qualified voters in any voting precinct, the Chairman of the County Executive Committee or any three members of such Committee shall nominate a supervisor of election for such voting precinct; providing that such supervisor shall be a resident of such election precinct and shall be a qualified voter thereof, and shall be selected from one of the persons signing such petition; prescribing the duties of such supervisor, and declaring an emergency."

H. B. No. 395, A bill to be entitled "An Act amending Article 6954, Chapter 6, Title 121 of the Revised Civil Statutes of Texas, 1925, and declaring an emergency."

H. B. No. 477, A bill to be entitled "An Act to make it unlawful to hunt, shoot or kill any deer for a period of three years in Coryell County, Texas; fixing penalty; repealing all laws and parts of laws, and declaring an emergency." (With amendment.)

H. B. No. 493, A bill to be entitled "An Act to amend Article 416, Revised Civil Statutes of 1925, as amended by Acts, 1935, Forty-fourth Legislature, page 26, Chapter 9, Section 1, and declaring an emergency."

H. B. No. 494, A bill to be entitled "An Act to amend Article 4993, Revised Civil Statutes of 1925, as amended by Acts, 1935, Forty-fourth

Legislature, page 31, Chapter 11, Section 1, and declaring an emergency."

H. B. No. 566, A bill to be entitled "An Act declaring it unlawful for any person to sell, take or have in his possession for the purpose of barter or sale any wild fox or the pelt thereof in Cass County, and declaring an emergency."

H. B. No. 653, A bill to be entitled "An Act making it the duty of the Commissioner of Agriculture of the State of Texas to control and/or eradicate the Mexican fruit fly in the State of Texas; providing a title for said Act; defining certain terms as used herein; providing a host-free period, and authorizing the Commissioner of Agriculture of the State of Texas to adopt the host-free period promulgated by the United States Department of Agriculture; . . . etc., and declaring an emergency."

H. B. No. 661, A bill to be entitled "An Act declaring certain months closed to fishing in Jones and Shackelford Counties; providing means and methods of taking and possessing fish from the fresh waters of said Counties; prohibiting the sale of fish taken from fresh waters of said Counties; prescribing the bag limit that may be taken in any one day and declaring fish under certain sizes shall be returned to the water which they were taken; providing that any person who violates provisions of this Act to be guilty of a misdemeanor, fixing a penalty, and declaring an emergency."

H. B. No. 666, A bill to be entitled "An Act amending Article 3410 of the Revised Civil Statutes of the State of Texas of 1925, and declaring an emergency."

H. B. No. 848, A bill to be entitled "An Act authorizing the Commissioners' Court in any county having a population of not less than 17,600 and not more than 17,700 according to the last preceding Federal Census, to allow each County Commissioner certain expenses for traveling and in connection with the use of his automobile on official business; requiring each such Commissioner to pay the expense of operation and repair of such automobile so used by him without further expense to the County, and declaring an emergency."

H. B. No. 876, A bill to be entitled "An Act amending Section 4 of House Bill No. 408 of the Regular Session

of the Forty-fourth Legislature fixing the compensation of County Commissioners in certain counties, and declaring an emergency."

H. B. No. 889, A bill to be entitled "An Act amending Section 1, Chapter 101 of the Special Laws of the Regular Session of the Forty-third Legislature as amended by Chapter 54 of the General and Special Laws of the First Called Session of the Forty-third Legislature are hereby amended so as to read hereafter as follows: Section 1 by striking out the Counties of Hill and Johnson; Section 2 by striking out the Counties of Hill and Johnson and exempting them from the provisions of this law, and creating an emergency."

H. B. No. 930, A bill to be entitled "An Act providing for the amount that may be allowed by County Boards of Trustees to the County Superintendents of Public Instruction for expenditures for office and traveling expenses in certain counties, and declaring an emergency." (With amendments.)

H. B. No. 990, A bill to be entitled "An Act to create a more efficient Road Law for Burnet County, and declaring an emergency."

H. B. No. 998, A bill to be entitled "An Act fixing the salaries of certain county officials in certain counties, and declaring an emergency."

H. B. No. 1004, A bill to be entitled "An Act providing that the Commissioners' Court of any county wherein the United States Government has or shall hereafter purchase at least twenty-five (25%) per cent in area of the land in said county for reforestation and other purposes, may, with the consent of the Board of County and District Road Indebtedness and the holders of at least eighty (80%) per cent of the bonds hereinafter described, refund, under the provisions of existing law, the road bonds of any such county or of any road district or political subdivision thereof; . . . etc., and declaring an emergency."

H. B. No. 1006, A bill to be entitled "An Act to amend Chapter 57 of the Acts of the Forty-first Legislature of Texas, Regular Session, by amending Section 12 thereof so as to provide for the funding of scrip and warrant indebtedness of the road and bridge fund of Montgomery County, Texas, legally incurred prior to January 1, 1937; and by adding to said Act Sec-

tion 13b, validating, ratifying, legalizing and confirming an issue of \$65,391.77 of road and bridge funding warrants of said County, dated November 1, 1936, and authorizing the funding thereof into coupon bonds of said County, in accordance with the terms and provisions of this Act; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

H. B. No. 1009, A bill to be entitled "An Act to authorize the Board of Directors of the Agricultural and Mechanical College of Texas to establish and maintain a horticultural and agricultural experiment station at some point within the limits of the El Paso irrigated valley in the State of Texas for the purpose of making scientific investigations and experiments in the production of cotton, alfalfa, and farm crops, etc., . . . and declaring an emergency."

S. B. No. 13, A bill to be entitled "An Act to exempt from taxation the property owned or used exclusively and reasonably necessary in conducting any association engaged in promoting threefold religious, educational and physical development of boys and girls, young men and young women operating under a state or national organization of life character, and all endowment funds of such institutions, and declaring an emergency."

S. B. No. 132, A bill to be entitled "An Act repealing Article 502 of the Revised Civil Statutes of Texas, 1925, and declaring an emergency."

S. B. No. 230, A bill to be entitled "An Act to amend Article 709 of the Penal Code of 1925, and declaring an emergency."

S. B. No. 473, A bill to be entitled "An Act authorizing, consenting to and granting permission to C. B. Fairchild to sue the State of Texas, and ratifying and confirming consent heretofore given, and declaring an emergency."

S. B. No. 407, A bill to be entitled "An Act authorizing the Railroad Commission of Texas to promulgate rules, regulations and orders to prevent or lessen drainage from any developed property caused or threatened by the production of gas from any gas well in any common reservoir in this State, and to prevent or lessen the drainage of gas as between different zones in such common reser-

voirs; authorizing the Railroad Commission to restrict and regulate the production of gas from wells and zones to prevent or lessen drainage; authorizing the Railroad Commission to issue all rules, regulations and orders necessary to enforce the law; authorizing zoning of any common reservoir; defining terms; prescribing the minimum limits to which the production of any well may be restricted; prohibiting production in excess of the amount fixed by the Railroad Commission; providing for cumulative production; prescribing penalties and suits for their collection; providing for injunctions to restrain violations; providing for suits to test the validity of any rules, regulations and orders; repealing all laws in conflict with this Act, and declaring an emergency."

S. B. No. 474, A bill to be entitled "An Act authorizing, consenting to and granting permission to J. W. Sessions to sue the State, and declaring an emergency."

Respectfully,

BOB BARKER,

Secretary of the Senate.

BILLS SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled bills:

S. B. No. 89, "An Act amending Article 1583 of the Penal Code of Texas, 1925, relating to work and vacation of firemen and policemen in cities of more than twenty-five thousand (25,000) inhabitants and in cities of more than thirty thousand (30,000) inhabitants; fixing the number of hours that shall constitute a legal day's work in such departments; providing for emergency pay; providing for a minimum wage scale; providing penalty for violation of the provisions of this Article, and declaring an emergency."

S. B. No. 106, "An Act repealing House Bill Number 51, Chapter 9, passed by the Forty-third Legislature, at its First Called Session, creating the Bank Deposit Insurance Company, authorizing the liquidation of the affairs of the Bank Deposit Insurance Company; providing a method and a jurisdiction for such liquidation; providing for the right of objection upon the part of any person

aggrieved and authorizing a hearing thereon; providing for appeal and writ of error, and declaring an emergency."

S. B. No. 235, "An Act amending Sections 4 and 7 of Senate Bill No. 165, Chapter 165, passed by the Forty-second Legislature, at its Regular Session; repealing all laws and parts of laws in conflict herewith; providing that if any part of this bill be held invalid, same shall not affect the remainder hereof, and declaring an emergency."

SENATE BILLS ON FIRST READING

The following Senate bills, received from the Senate today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

Senate Bill No. 13, to the Committee on State Affairs.

Senate Bill No. 132, to the Committee on Banks and Banking.

Senate Bill No. 230, to the Committee on Public Health.

Senate Bill No. 407, to the Committee on Oil, Gas and Mining.

Senate Bill No. 473, to the Committee on State Affairs.

Senate Bill No. 474, to the Committee on State Affairs.

HOUSE BILL NO. 5 ON SECOND READING

The Speaker laid before the House, as a special order for this hour, on its second reading and passage to engrossment,

H. B. No. 5, A bill to be entitled "An Act defining the term 'open saloon'; regulating the manufacture, sale, importation, transportation and possession of alcoholic liquors; prescribing rules and regulations and the right of local option; providing for a system of permits; levying taxes; prescribing penalties for violations; repealing conflicting laws and parts of laws, and declaring an emergency."

The bill was read second time.

Mr. Moffett offered committee amendment No. 1 to the bill.

(On motion of Mr. Moffett, the amendment was ordered not printed in the Journal.)

Mr. Morse offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 5, by striking out on page 1 all of lines 31 to 40 inclusive, and on page 2 all of lines 1 to 20 inclusive, and substituting in lieu thereof the following:

"Sec. 3. (a) The term 'open saloon' as used in this Act, means any place where any intoxicants whatever, manufactured in whole or in part by means of the process of distillation, are sold or offered for sale in broken or unsealed containers for beverage purposes, or any place where such liquors are sold or offered for sale for consumption on the premises where sold, or any place of business maintaining or providing facilities for or permitting the consumption thereon, of such liquors by any person, except where any such place of business shall be operated under a Dispenser's Permit as provided herein.

"(b) It shall be unlawful for any person, whether as principal, agent or employee, to operate or assist in operating, or to be directly or indirectly interested in the operation of any open saloon in this State.

"(c) It shall be unlawful for any person to whom a Wine and Beer Retailer's Permit or a Beer Retailer's License has been issued, or any officer, agent, servant or employee thereof to have in his possession on the licensed premises, any distilled spirits or any liquor containing alcohol in excess of fourteen per centum (14%) by volume, or to permit the same to be consumed on such licensed premises; provided, however, that any person holding a Dispenser's Permit shall not thereby be disqualified from holding for operation on the same premises a Wine and Beer Retailer's Permit or a Beer Retailer's License.

"(d) Any person who violates any portion of this Section shall be guilty of a misdemeanor, and upon conviction shall be punished by fine of not less than One Hundred (\$100.00) Dollars nor more than One Thousand (\$1,000.00) Dollars, or by imprisonment in the county jail for not more than one year. Any person who is twice convicted under the provisions of this Section shall for the second and all subsequent offenses be punished by fine of not less than One Hundred (\$100.00) Dollars nor more than One Thousand (\$1,000.00) Dollars and by confinement in the county

jail for not less than thirty (30) days nor more than one year."

And by inserting a new subsection after line 9, on page 22, to read as follows:

"(16) Dispenser's Permit. A Dispenser's Permit shall authorize the holder thereof:

(a) Subject to the provisions of this Act, to purchase liquor from wholesalers and to dispense for consumption on the premises where sold malt or vinous liquors containing alcohol in excess of fourteen (14) per centum by volume and distilled spirits when such distilled spirits have been diluted in such manner that the beverage dispensed does not contain alcohol in excess of thirty-three (33) per cent by volume.

(b) No Dispenser's Permit shall be issued in any county, justice precinct, or incorporated city or town where the voters thereof have not by local option election legalized the sale of liquor of the type that the holder of the Dispenser's Permit is hereby authorized to sell and dispense for consumption on the premises where sold.

(c) No Dispenser's Permit shall be issued to any person whose principal business for any sixty (60) day period is the sale of diluted distilled spirits for consumption on the premises where sold. No such Permit shall be issued to any person other than a bona fide operator of a place where meals are served and sold. The Board shall prescribe rules and regulations to enforce this provision and the burden of establishing compliance with this provision shall always be on the holder of the permit. It shall be the duty of the holders of such Permits to make and keep records of their business and of their sales of diluted distilled spirits, under such Permit, in accordance with any rules or regulations which may be prescribed by the Board, and such records shall be subject to inspection by the Board or any of its authorized agents or representatives at any time.

(d) It shall be sufficient cause for the Board or Administrator to refuse to grant any Dispenser's Permit when the Board or Administrator in its judgment has reason to believe that the applicant will conduct the business of selling alcoholic beverages in a manner contrary to law, or in any place or manner conducive to violation of the law, or likely to result

in any jeopardy to the peace, morals, health or safety of the general public. In granting or refusing to grant any Dispenser's Permit, the Board in forming its conclusions shall give due and proper consideration to any recommendations made by the District or County Attorney, or the Sheriff of the County and the Mayor and Chief of Police of any incorporated city or town wherein the applicant proposes to conduct his business, and to any recommendations made by representatives of the Board.

(e) The Board or its representative may at any time make inquiry into the business of a holder of a Dispenser's Permit, and unless it shall be shown by the Permittee that his sales of diluted distilled spirits on the premises covered by his Dispenser's Permit are not, in the course of any sixty (60) day period, exceeding in value the sales of food and other commodities, the Board or Administrator is hereby authorized after notice and hearing to cancel any such Permit.

(f) The Board or Administrator shall have the power to suspend for a length of time not exceeding thirty (30) days any Dispenser's Permit upon ascertaining that any act constituting a breach of the peace has occurred upon the premises covered by such Permit or under the control of the holder thereof, and at the expiration of the date to which such permit has been suspended, the Board or Administrator shall cancel the Permit unless it shall have been shown to the satisfaction of the Board or Administrator that the act was beyond the control of the person holding the Permit and did not result from improper supervision by the permittee of the conduct of persons permitted by him to be on the licensed premises or premises under his control.

(g) In addition to the qualifications set forth in this Section, applicants for Dispenser's Permits must meet all of the qualifications set out in Section 11, of Article 1, of this Act.

(h) The annual fee for a Dispenser's Permit shall be Five Hundred (\$500.00) Dollars.

And on page 42, by inserting after line 29 a new Section 40a to read as follows:

"Sec. 40a. That Section 40, Chapter 467, Acts of the Second Called

Session of the Forty-fourth Legislature, be amended so as to hereafter read as follows:

'Sec. 40. The Commissioners Court upon its own motion may, or upon petition as herein provided shall, as provided in Section 32, order local option elections for the purpose of determining whether alcoholic beverages of the various types and alcoholic contents herein provided shall be legalized or prohibited.

'For the purpose of giving effect to the constitutional provision directing that the laws of this State shall contain provisions for voting to legalize or prohibit the sale of alcoholic beverages of various types and alcoholic content, it is hereby declared that such beverages are subject to classification and are hereby classified separately as follows:

Type A.

Beer. As defined in Article II of this Act.

Type B.

Malt and vinous liquors having an alcoholic content of more than four (4) per centum by weight and not exceeding fourteen (14) per centum by volume.

Type C.

Malt and vinous liquors and diluted distilled spirits having an alcoholic content of more than fourteen (14) per centum by volume and not exceeding thirty-three (33) per centum by volume.

Type D.

Malt and vinous liquors and distilled spirits having an alcoholic content exceeding thirty-three (33) per centum by volume.

"In areas where any type or classification of alcoholic beverage is prohibited and the issue or issues submitted pertain to legalization of the sale of one or more such types or classifications, one or more of the following issues may be submitted:

'(a) "For legalizing the sale of beer that does not contain alcohol in excess of four (4) per centum by weight," and "Against legalizing the sale of beer that does not contain alcohol in excess of four (4) per centum by weight."

'(b) "For legalizing the sale of malt and vinous liquors that do not contain alcohol in excess of fourteen (14) per centum by volume," and "Against legalizing the sale of malt

and vinous liquors that do not contain alcohol in excess of fourteen (14) per centum by volume."

'(c) "For legalizing the sale of malt and vinous liquors having an alcoholic content in excess of fourteen (14) per centum by volume and diluted distilled spirits, which have been so diluted as to have an alcoholic content of not to exceed thirty-three (33) per centum by volume," and "Against legalizing the sale of malt and vinous liquors having an alcoholic content in excess of fourteen (14) per centum by volume, and diluted distilled spirits, which have been so diluted as to have an alcoholic content of not to exceed thirty-three (33) per centum by volume."

'(d) "For legalizing the sale of all liquors except diluted distilled spirits," and "Against legalizing the sale of all liquors except diluted distilled spirits."

"In areas where any type or classification of alcoholic beverage is lawful and the issue or issues submitted pertain to the prohibition of the sale of one or more such types or classifications, one or more of the following issues may be submitted:

'(a) "For prohibiting the sale of all alcoholic beverages except beer," and "Against prohibiting the sale of all alcoholic beverages except beer."

'(b) "For prohibiting the sale of all alcoholic beverages except malt and vinous liquors that do not contain alcohol in excess of fourteen (14) per centum by volume," and "Against prohibiting the sale of all alcoholic beverages except malt and vinous liquors that do not contain alcohol in excess of fourteen (14) per centum by volume."

'(c) "For prohibiting the sale of malt and vinous liquors having an alcoholic content in excess of fourteen (14) per centum by volume, and diluted distilled spirits which have been so diluted as to have an alcoholic content not to exceed thirty-three (33) per centum by volume," and "Against prohibiting the sale of malt and vinous liquors having an alcoholic content in excess of fourteen (14) per centum by volume, and diluted distilled spirits which have been so diluted as to have an alcoholic content not to exceed thirty-three (33) per centum by volume."

'(d) "For prohibiting the sale of all alcoholic beverages," and "Against

prohibiting the sale of all alcoholic beverages."

MORSE,
THORNTON,
BELL,
HARTZOG,
JONES of Falls,
MANN,
RUTTA,
HARRIS of Dallas,
LEONARD,
WINFREE,
READER,
DOLLINS,
VALE,
CELAYA,
HANKAMER,
BRIDGERS.

Mr. Mays moved to table the amendment by Mr. Morse.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—79

Adkins	Jones of Wise
Alexander	Keefe
Alsup	Keith
Bates	Kelt
Beckworth	Kern
Blankenship	King
Bond	Langdon
Boyer	Lankford
Bradbury	Lanning
Bradford	London
Broadfoot	Mauritz
Brown	Mays
Burton	McConnell
Cagle	Metcalfe
Cleveland	Moffett
Davis of Haskell	Morris
Davis of Jasper	Oliver
Davison of Fisher	Palmer
Davisson	Patterson of Mills
of Eastland	Petsch
Deglandon	Prescott
Derden	Ragsdale
England	Reed of Bowie
Fielden	Riddle
Fox	Roark
Gibson	Ross
Graves	Russell
Hamilton	Sewell
Harbin	Sharpe
Harper	Skaggs
Harrell	Smith of Hopkins
Harris of Archer	Smith
Harris of Dickens	of Matagorda
Holland	Talbert
Huddleston	Tarwater
Johnson of Ellis	Tennant
Jones of Angelina	Tennyson
Jones of Atascosa	Thornberry

Walker
Weldon
Westbrook

Wood
Worley

Nays—63

Baker	Leath
Bell	Leonard
Boethel	Leyendecker
Bridgers	Little
Callan	Loggins
Carssow	Mann
Cathey	McCracken
Cauthorn	McDonald
Celaya	McKee
Colquitt	McKinney
Dean	Monkhouse
Dickison	Morse
Dollins	Newton
Felty	Nicholson
Fuchs	Patterson
Hankamer	of Travis
Hanna	Powell
Hardin	Reader
Harris of Dallas	Reed of Dallas
Hartzog	Rhodes
Heflin	Rutta
Herzik	Schuenemann
Hoskins	Settle
Howard	Shell
Hull	Simpson
Hyder	Stevenson
Jackson	Stinson
James	Stocks
Johnson	Thornton
of Tarrant	Vale
Jones of Falls	Waggoner
Kenyon	Winfree
Knetsch	

Present—Not Voting

Amos

Absent

Farmer	Quinn
McFarland	Smith of Tarrant
Pope	

Absent—Excused

Lucas

PAIRED

Mr. Amos (present), who would vote "nay", with Mr. Lucas (absent), who would vote "yea".

Question—Shall committee amendment No. 1 be adopted?

MESSAGE FROM THE GOVERNOR

The Speaker laid before the House, and had read the following message from the Governor:

Austin, Texas, April 19, 1937.

To the Members of the Forty-fifth Legislature;

I am disapproving and vetoing Senate Bill 339. The bill is herewith re-

turned to the Senate, the House in which it originated.

I disapprove this bill for the following reasons:

First:

It amends Article 6067, of the Revised Civil Statutes of Texas, dealing with the State Parks Board. The original statute passed in 1923 provided that the directors of such Board should serve without compensation and that they should receive their hotel and necessary traveling expenses incurred in the discharge of their duties. Senate Bill No. 339 provides that the directors shall each receive as compensation \$10.00 per day not to exceed 60 days each year. This is in addition to the actual and necessary expenses. This means that for five members of the Board the State would be liable for increased appropriation of \$3,000.00 per year for the salaries of the members of this Board.

Some of the finest service Texas has ever received has been at the hands of non-paid boards. Not a single member of the State Parks Board has requested me to sign this bill. Various communities are represented on the Board, and various other communities have requested that they be given representation. The author of the bill states that he introduced it by request only—and that such request was not at the hands of any member of the Board.

It is true that some of our other boards are paid upon a per diem basis, but it is likewise true that some of the best service secured by the State is at the hands of public spirited citizens who serve without compensation. I feel that the principle involved would ultimately have to be extended to all other boards; and the precedent calls for additional expenditure of money which the taxpayers are not able to pay.

Second:

This bill provides that the Board shall continue to be constituted of five members, each to serve six years; that the first appointees shall serve, one member for two years, two for four years and two for six years. This provision for a five member rotating board is in conflict with the Constitution, which provides that 1/3rd of the membership shall retire each two years. It is impossible to carry out this provision where the Board is composed of five members. True, the

present law has the same defect; but the Attorney General has held that the terms under such a law where it is impossible for 1/3rd of the membership to be determined would be two years. If the present law is amended I think it should provide for a board of either 3, 6 or 9 members so that 1/3rd of the membership of such board would change each two years.

Respectfully submitted,
JAMES V. ALLRED,
Governor of Texas.

EXTENDING INVITATION TO
MEMBERS OF THE
HOUSE

Hon. E. J. Cleveland of Hays County, having been recognized by the Speaker, extended an invitation to the Members of the House to visit in the city of San Marcos on next April 21.

RECESS

Mr. Moffett moved that the House recess until 2:00 o'clock p. m., today.

Mr. Lankford moved that the House recess until 2:30 o'clock p. m., today.

The motion of Mr. Lankford prevailed, and the House, accordingly, at 12:15 o'clock p. m., took recess until 2:30 p. m., today.

AFTERNOON SESSION

The House met at 2:30 o'clock p. m., and was called to order by the Speaker.

LEAVES OF ABSENCE GRANTED

(By unanimous consent)

Mr. Davison of Fisher was granted leave of absence, for this afternoon, on account of important State business, on motion of Mr. Howard.

Mr. Jones of Falls was granted leave of absence, for this afternoon, on account of serious illness in his family, on motion of Mr. Dollins.

CONFERENCE COMMITTEE AP-
POINTED ON SENATE
BILL NO. 47

The Speaker announced the appointment of the following Conference Committee on Senate Bill No. 47:

Messrs. Tennyson, Blankenship, Boethel, Dickison and Smith of Hopkins.

HOUSE BILL NO. 1088 ON SECOND
READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 1088, A bill to be entitled "An Act providing for emergency relief for Kingsland Common School District, No. 29, of Llano County, Texas, to aid said District in the payment of teachers' salaries and in equipping said school building in which there has been an influx of children within scholastic age since the last scholastic enumeration in the State; making an appropriation to said District for said purposes; prescribing the manner of disbursing the funds appropriated by this Act, and declaring an emergency."

The bill was read second time, and was passed to engrossment.

HOUSE BILL NO. 1088 ON THIRD
READING

Mr. Petsch moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 1088 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—114

Adkins	Felty
Alexander	Fielden
Amos	Fox
Baker	Fuchs
Beckworth	Gibson
Bell	Graves
Blankenship	Hamilton
Boethel	Hanna
Bond	Harbin
Boyer	Hardin
Bradbury	Harper
Bradford	Harris of Archer
Bridgers	Harris of Dallas
Burton	Hartzog
Cagle	Heflin
Callan	Herzik
Cathey	Holland
Cleveland	Hoskins
Colquitt	Huddleston
Davis of Haskell	Hyder
Davis of Jasper	Jackson
Dean	James
Deglandon	Johnson of Ellis
Derden	Jones of Angelina
Dickison	Jones of Atascosa
Dollins	Jones of Falls
England	Jones of Wise
Farmer	Keefe

Keith	Reed of Bowie
Kelt	Reed of Dallas
Kern	Rhodes
King	Roark
Knetsch	Ross
Langdon	Russell
Lankford	Rutta
Lanning	Settle
Leath	Sewell
Leonard	Shell
Leyendecker	Simpson
Little	Skaggs
Loggins	Smith
Mann	of Matagorda
Mays	Stinson
McConnell	Stocks
McFarland	Talbert
McKee	Tarwater
McKinney	Tennant
Metcalfe	Tennyson
Monkhouse	Thornberry
Moffett	Thornton
Morse	Vale
Nicholson	Waggoner
Patterson of Mills	Walker
Patterson	Weldon
of Travis	Westbrook
Petsch	Winfree
Prescott	Wood
Quinn	Worley

Nays—3

Broadfoot	Smith of Hopkins
London	

Absent

Alsup	Mauritz
Bates	McCracken
Brown	McDonald
Carssow	Morris
Cauthorn	Newton
Celaya	Oliver
Davisson	Palmer
of Eastland	Pope
Hankamer	Powell
Harrell	Ragsdale
Harris of Dickens	Reader
Howard	Riddle
Hull	Schuenemann
Johnson	Sharpe
of Tarrant	Smith of Tarrant
Kenyon	Stevenson

Absent—Excused

Davison of Fisher Lucas

The Speaker then laid House Bill No. 1088 before the House on third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—113

Adkins	Alsup
Alexander	Amos

Baker	Lankford
Beckworth	Lanning
Bell	Leath
Boethel	Leonard
Bond	Leyendecker
Boyer	Little
Bradbury	Loggins
Bradford	Mann
Bridgers	Mays
Burton	McConnell
Callan	McFarland
Carssow	McKee
Cathey	Metcalfe
Cleveland	Monkhouse
Colquitt	Moffett
Davis of Haskell	Morris
Davis of Jasper	Morse
Dean	Nicholson
Deglandon	Patterson of Mills
Derden	Patterson
Dickison	of Travis
Dollins	Petsch
England	Powell
Farmer	Prescott
Felty	Quinn
Fielden	Reed of Bowie
Fox	Reed of Dallas
Fuchs	Rhodes
Gibson	Roark
Graves	Ross
Hamilton	Russell
Hanna	Rutta
Harbin	Schuenemann
Hardin	Settle
Harper	Sewell
Harris of Archer	Shell
Harris of Dallas	Simpson
Hartzog	Skaggs
Heflin	Smith
Herzik	of Matagorda
Holland	Stinson
Hoskins	Stocks
Huddleston	Talbert
Hyder	Tarwater
Jackson	Tennant
James	Tennyson
Johnson of Ellis	Thornberry
Jones of Angelina	Thornton
Jones of Falls	Vale
Jones of Wise	Waggoner
Keefe	Walker
Keith	Weldon
Kelt	Westbrook
King	Winfree
Knetsch	Worley
Langdon	

Nays—6

Broadfoot	London
Cagle	Smith of Hopkins
Kern	Wood

Absent

Bates	Brown
Blankenship	Cauthorn

Celaya	McCracken
Davison	McDonald
of Eastland	McKinney
Hankamer	Newton
Harrell	Oliver
Harris of Dickens	Palmer
Howard	Pope
Hull	Ragsdale
Johnson	Reader
of Tarrant	Riddle
Jones of Atascosa	Sharpe
Kenyon	Smith of Tarrant
Mauritz	Stevenson

Absent—Excused

Davison of Fisher Lucas

ADOPTION OF CONFERENCE
COMMITTEE REPORT ON
HOUSE BILL NO. 67

Mr. Knetsch submitted the following Conference Committee Report on House Bill No. 67:

Committee Room,

Austin, Texas, April 19, 1937.

Hon. Walter F. Woodul, President of the Senate, and

Hon. R. W. Calvert, Speaker of the House of Representatives.

Gentlemen:

We, your Conference Committee, to whom was referred House Bill No. 67 have had same under consideration and we recommend to the Senate and to the House of Representatives that said bill pass in the form attached hereto.

Respectfully submitted,

BURNS,
DAVIS,
WEINERT,

On the part of the Senate.

HANKAMER,
STEVENSON,
TARWATER,
THORNTON,
KNETSCH,

On the part of the House.

H. B. No. 67,

A BILL

To Be Entitled

An Act amending Chapter 277, Acts of Regular Session of the Forty-second Legislature, as heretofore amended, being known as the "Motor Carrier Act", by providing that said Motor Carrier Act shall not include and said Act shall not apply to a "Private Commercial Carrier", declaring that a Private

Commercial Carrier is not transporting property for compensation or hire within the meaning and contemplation of said Motor Carrier Act and shall not be governed by any of the provisions of said Act applicable to a "Motor Carrier" or "Contract Carrier"; defining a "Private Commercial Carrier", making certain exemptions from "Private Commercial Carrier" and "Motor Carrier" Acts, providing for the obtaining of a permit from the Commission by Private Commercial Carriers, specifying what should be contained in application for permit, requiring the granting of such permit upon the filing of an application as provided, stipulating a fee to be paid upon the filing of such application; making it unlawful for any Private Commercial Carrier to engage in business as such without a permit, providing for identification cards, identification plates, and fees therefor; providing a penalty for violation of the provisions of this Act; providing for carrying of insurance and licensing of drivers; providing for cancellation of permits, and hearings thereon; making it unlawful to operate in violation of the provisions of this Act; exempting all agencies of the State of Texas and all political subdivisions of said State from the provisions of this Act; making an appropriation of the fees to be collected under the provisions of this Act; providing for the payment of salaries of employees to be employed under the provisions of this Act, and fixing the salaries of such employees; fixing the number of hours that the driver, or operator, of a motor vehicle, operating under a Private Commercial Carrier permit, may drive or operate same in continuous service; declaring the purpose of the Act, and that if any portion thereof be held invalid or unconstitutional, the remainder shall not be affected, and declaring an emergency.

Be It Enacted by the Legislature of the State of Texas:

Section 1. The Motor Carrier Act, being Chapter 277, Acts of the Regular Session of the Forty-second Legislature of the State of Texas, as heretofore amended, be and the same is hereby amended by adding thereto a

new section to be known as "Section 26", and to read as follows:

Section 26. A. The term "motor carrier" as used in the said "Motor Carrier Act" shall not include, and said Act shall not apply to a "Private Commercial Carrier", as said term is hereinafter defined; and it is hereby declared that a Private Commercial Carrier is not transporting property for compensation or hire within the meaning and contemplation of said Act, and shall not be governed by any of the provisions of said Act applicable to a "Motor Carrier" or "Contract Carrier", or any regulations promulgated by the Commission in respect thereto, except as may be hereinafter specifically provided by this Act.

B.—(1) A "Private Commercial Carrier" is any person, firm, corporation, company, copartnership, or association or joint stock association, and their receivers or trustees appointed by any court whatsoever, having a fixed and established place of business and regularly engaged in the transaction of business other than the business of transporting the property of others for compensation or hire, and which, as an incident to the transaction of such business, transports property of which such carrier is the bona fide owner over the highways of this State, where in the course of transportation a highway between two or more incorporated cities or towns is traversed, by means of a motor vehicle of which such carrier is the bona fide owner in good faith. Provided further, that possession of property under a bona fide consignment contract shall for the purpose of this Act be deemed ownership, if such consignment is incidental to the regular, established business of the consignee.

(2) Provided, however, that a bona fide employee, agent, or consignee of a single principal, who owns his own motor vehicle, or motor vehicles, and who is legally and exclusively engaged in the distribution of the products of said single principal, from an established place of business, shall be entitled to a Private Commercial Carrier permit under the provisions of this Act by complying with the other provisions of this Act.

(3) It is further provided that if any employee, agent or consignee of a single principal makes application

for a Private Commercial Carrier permit under the provisions of this Act, the application must also be signed by the principal, or by an officer of the principal, if said principal be a corporation, or by a member of the firm, co-partnership, or association or joint stock company, if the principal be neither an individual nor corporation; and provided further that said Private Commercial Carrier permit, when issued, shall be issued jointly to the principal and the employee, agent, or consignee.

(4) It is further provided that if any agent, employee, or consignee holding a Private Commercial Carrier's permit under the provisions of this Act shall discontinue the distribution of the products of such principal, then said principal shall immediately notify the Railroad Commission, in writing, and said permit shall forthwith be cancelled.

(5) Provided further, that the term "Motor Carrier" and the term "Private Commercial Carrier" shall not be held to include any person transporting his own farm implements, his own supplies, his own household goods, his own agricultural products, his own live stock or his own feed stuff, or any person transporting logs from the woods to a mill or railroad loading point, any person transporting milk or cream from the farm where produced to a creamery or cheese factory in any such motor vehicle owned by any such person; and the use of the highways by Private Commercial Carriers and by any person transporting his own farm implements, his own supplies, his own household goods, his own agricultural products, his own live stock or his own feed stuff, or any person transporting logs from the woods to a mill or railroad loading point, or any person transporting milk or cream from the farm where produced to a creamery or cheese factory, shall be construed as use of the highways by the general public and shall not be subject to any provisions as to routes or rates.

C.—(1) Every Private Commercial Carrier, before operating as such, shall obtain a permit from the Commission to engage in such business; and the Commission shall issue such permit upon the filing with it of an application in writing, and which written application shall set forth the following facts:

(a) The name and address of the applicant, and a statement showing whether such applicant is an individual, firm, corporation, company, co-partnership, or association, or joint stock company. If an individual, the post office address and principal office and place of business shall be given. If a corporation, company, co-partnership, or association, or joint stock company, the application shall state in detail the character thereof; and if a corporation, the State in which such corporation is chartered, the names of all officers of the corporation; and all members of any firm, co-partnership, association, or joint stock company, the officers thereof; and the principal office and place of business of the applicant.

(b) The application shall set forth the nature of the business in which the applicant is engaged; the length of time in which it has engaged in such business; the places where it has engaged in such business during the year next prior to the filing of said application; and the amount of capital employed in said business, other than capital invested in motor vehicles.

(c) The application shall give a description of each vehicle which the applicant intends to use, including weight and size of vehicle and the manufacturer's rated carrying capacity, and the State registration carrying capacity; and shall state that applicant is the bona fide owner thereof.

(d) Said application shall state that the applicant is not a "Motor Carrier", and does not hold a permit or certificate under the provisions of law applicable to "Contract Carrier" or "Common Carrier"; and that none of the motor vehicles described in the application are operated under such permit or certificate.

(e) Said application shall be verified by affidavit of the applicant, or by an officer of the applicant, if said application be a corporation, or by a member of the firm, co-partnership, or association or joint stock company, if said applicant be neither an individual nor a corporation; which affidavit shall be made before an officer authorized to administer oaths under the laws of the State of Texas, and shall state that the facts set forth in the application are within the knowledge of the affiant, and that each such fact is true.

(2) The filing of an application as

herein provided, and payment of the fee herein stipulated, shall, as of right, entitle the applicant to a permit, and it shall thereupon be the duty of the Commission, without further requirement, to grant a permit to the applicant.

(3) Whenever a Private Commercial Carrier shall desire to place in service additional motor vehicles, he shall file an application for additional identification plates with the Railroad Commission on a form prescribed by it, and the Commission shall be authorized to collect a fee for such plates to be used upon such vehicle as hereinafter provided. Whenever any Private Commercial Carrier desires to retire any motor vehicle from service, he shall immediately give due notice to the Commission upon a form supplied by it, informing the Commission that said motor vehicle has been withdrawn from service.

(4) Upon the filing of each application, and before a permit is granted, the applicant shall pay to the Commission a filing fee of Five (\$5.00) Dollars.

D.—(1) It shall be unlawful for any Private Commercial Carrier as hereinbefore defined to engage in business as such without a permit.

(2) The Commission shall prescribe an identification card which must be displayed within the cab of each motor vehicle operated under such permit, setting out the permit number and giving the name and address of the owner of said permit and character of business in which such owner is engaged. It shall be unlawful for the owner of said permit, his agent, servant, or employee or any other person to use or display said identification card after said certificate or permit has been cancelled or disposed of.

(3) It shall be unlawful for any Private Commercial Carrier, as hereinbefore defined, to engage in business as such unless there shall be displayed and firmly fixed upon the front and rear of each vehicle, used in such business, an identification plate to be furnished by the Commission. Each of such plates shall be designed so as to identify the vehicle on which the same is attached as being a vehicle authorized to operate under the terms of this law; said plate shall bear the number given to

the vehicle by the Commission, and such other marks of identification as may be necessary, and shall be different in design from the plates provided for a motor carrier. The identification plates provided for herein shall be attached in addition to the regular license plates provided by law. It shall be the duty of the Commission to provide these plates; and each motor vehicle operated by a Private Commercial Carrier, as herein defined, shall display such plates as soon as the same are received, and such plates shall be issued annually thereafter and attached to each motor vehicle not later than September 1st of each year, or as soon thereafter as possible. The Commission shall be authorized to collect from the applicant a fee of Two (\$2.00) Dollars for each pair of the plates so issued.

(4) All fees paid to the Commission under the provisions of this Section shall be deposited in the State Treasury to the credit of the "Motor Carrier Fund".

E.—(1) Before any Private Commercial Carrier may lawfully operate under the permit herein provided, such Private Commercial Carrier shall file with the Commission bonds or insurance policies, as provided by Section 13 of said Motor Carrier Law, and shall comply with the provisions of such section in respect to insurance, except for the carrying of cargo insurance; but it shall not be necessary for such Private Commercial Carrier to file any policies of insurance taken out under the Workmen's Compensation Law of the State of Texas; and each driver of a motor vehicle operated under any permit granted under the terms of this Act shall have a driver's license, which shall be issued by the Commission pursuant to an examination testing the ability and fitness of the applicant, and under such rules and regulations as the Commission may prescribe; provided that every driver aforesaid shall acquire a driver's license within thirty days after this Act takes effect and shall annually thereafter on, or before, the anniversary of the date of the original license acquire renewal thereof. Such license shall be issued for a term of one year. The Commission is empowered further to issue temporary licenses, in case of emergency, for such term as the Commission may deem expedient, provided such term shall not

exceed ten days, and there shall be no right or privilege of renewal thereof. The Commission is hereby authorized to collect a fee of One (\$1.00) Dollar for each annual license fee or renewal. The Commission may suspend or revoke any such license for cause and after notice and public hearing. It shall be unlawful for any Private Commercial Carrier to operate a motor propelled vehicle in this State unless such vehicle is operated by a driver holding an unrevoked and uncanceled license issued by the Commission.

(2) Provided further, that the provisions of this Act, and the Motor Carrier Act, as to insurance shall not apply to any person transporting his own farm implements, his own supplies, his own household goods, his own agricultural products, his own live stock or his own feed stuffs.

F. In the event any person, firm, corporation, company, co-partnership, or association or joint stock company holding a permit as a Private Commercial Carrier under this law shall violate any of the provisions hereof; or make any false statement in the application for such permit; or shall engage, directly or indirectly, in the business of transporting the property of others for compensation or hire; or fails or refuses to comply with any of the provisions of this Act, the permit shall be cancelled by the Commission. Before any such permit is cancelled, the holder thereof shall be given a hearing, having first been given ten days' written notice of the time and place of such hearing; which hearing shall be conducted as provided for hearings held under the terms of said Motor Carrier Law, and from the decision at such hearing an appeal may be had as provided in said law for appeals from other hearings provided therein.

C.—(1) Any person, or any member of any firm, co-partnership, or association, or any officer of any corporation violating any provision of this Act shall be deemed guilty of an offense, and upon conviction thereof shall be punished by a fine not exceeding the sum of Five Hundred (\$500.00) Dollars, and the revocation of his Private Commercial Carrier's permit for one year from the date of conviction.

(2) Any Private Commercial Carrier who shall engage in the business of transporting the property of others

for compensation or hire; or who shall transport any property in a motor vehicle over the highways of this State without having a fixed and established place of business and without being regularly engaged in the transaction of business other than the business of transporting the property of others for compensation or hire; and without being the bona fide owner of such property, or in possession thereof under a bona fide consignment contract, and of such motor vehicle, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding the sum of Five Hundred (\$500.00) Dollars, and the revocation of his Private Commercial Carrier's permit for one year from the date of conviction.

(3) Any person making any false statement in any application for a permit under this Act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding the sum of Five Hundred (\$500.00) Dollars, and the revocation of his Private Commercial Carrier's permit for one year from the date of conviction.

H. Provided, further, that all agencies of the State of Texas and all political subdivisions of said State shall not be required to comply with the provisions of this Act.

I. There is hereby appropriated out of the Motor Carrier Fund of the Railroad Commission all of the fees collected under this Act for the purpose of carrying out the provisions of this Act; and the Commission is hereby authorized to employ such number of persons as will be reasonably necessary to properly carry out the provisions of this Act, and said employees shall receive the same salary as other employees of the Commission performing like or similar services, which salaries were fixed in the general appropriation for the present biennium.

J. No Private Commercial Carrier, operating in whole or in part in this State under a permit as such, or any officer or agent of such Private Commercial Carrier, shall require or knowingly permit any truck driver, or his helper, to drive or operate a truck for a period longer than fourteen (14) consecutive hours; and whenever such driver or helper shall have been continuously on such duty for fourteen (14) hours, he shall

be relieved and shall not be required or knowingly permitted to again go on duty until he has had at least eight (8) consecutive hours off duty; and no such driver, or helper, who has been on such duty fourteen (14) hours in the aggregate in any twenty-four (24) hour period, shall be required or knowingly permitted to continue, or again go on duty, without having had at least eight (8) consecutive hours off duty; and venue for prosecution under this section shall lie in the county of the residence of the defendant; provided, that in cases of emergencies caused by the act of God, the foregoing restrictions as to hours shall not apply.

K. It is hereby declared to be the Legislative intent that a Private Commercial Carrier, as herein defined, is not transporting property for compensation or hire within the contemplation of Section 1 (g) or (h) of said Chapter 277, Acts of the Regular Session of the Forty-second Legislature of Texas, as amended, and that the conditions of the highways of this State and proper regulation of traffic over said highways, and the safety of the public generally does not require that the same regulations prescribed in said Act with respect to "Motor Carriers", as that term is therein defined, should be made applicable to Private Commercial Carriers as herein defined.

L. If any section, subsection, clause, sentence, or phrase of this Act is for any reason held to be unconstitutional, invalid or unenforceable, such holding shall not affect the validity or enforceability of the remaining portions of this Act; and the Legislature hereby declares that it is the purpose hereof to relieve Private Commercial Carriers as herein defined from the provisions and operations of said Motor Carrier Law as incorporated in said Chapter 277, Acts of the Regular Session of the Forty-second Legislature, and amendments thereof, and that the provisions hereof to that effect would have been enacted notwithstanding any other section, subsection, sentence, clause or phrase hereof be declared unconstitutional.

M. The fact that recent court decisions have construed the definition of "motor carrier", as it exists in the present law, to include operators of motor vehicles whose principal business is not the transportation of property of others for compensation or

hire, and the inclusion thereof under the regulations prescribed by the present law is not necessary or desirable for the proper regulation of traffic on the public highways or the safety of the traveling public, but works an undue hardship on those not engaged in the business of transporting the property of others for compensation or hire, and on the public generally, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and such Rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

On motion of Mr. Knetsch, the report was adopted by the following vote:

Yeas—126

Adkins	Hardin
Alexander	Harper
Alsop	Harris of Archer
Amos	Harris of Dallas
Baker	Heflin
Bates	Herzik
Beckworth	Holland
Bell	Hoskins
Blankenship	Hull
Boethel	Hyder
Bond	Jackson
Boyer	James
Bradbury	Johnson of Ellis
Bridgers	Johnson
Broadfoot	of Tarrant
Burton	Jones of Angelina
Cagle	Jones of Atascosa
Callan	Jones of Falls
Carssow	Jones of Wise
Cauthorn	Keefe
Celaya	Keith
Cleveland	Kenyon
Colquitt	Kern
Davis of Haskell	King
Davis of Jasper	Knetsch
Deglandon	Langdon
Derden	Lanning
Dickison	Leath
Dollins	Leonard
England	Leyendecker
Farmer	Little
Felty	Loggins
Fielden	London
Fox	Mann
Fuchs	Mays
Gibson	McConnell
Graves	McCracken
Hamilton	McFarland
Hankamer	McKee
Hanna	McKinney
Harbin	Metcalfe

Moffett	Shell
Monkhouse	Simpson
Morris	Skaggs
Morse	Smith of Hopkins
Nicholson	Smith
Patterson of Mills	of Matagorda
Patterson	Stevenson
of Travis	Stinson
Petsch	Stocks
Powell	Talbert
Prescott	Tarwater
Quinn	Tennant
Ragsdale	Tennyson
Reed of Bowie	Thornberry
Reed of Dallas	Thornton
Rhodes	Vale
Riddle	Waggoner
Roark	Walker
Ross	Weldon
Russell	Westbrook
Rutta	Winfree
Schuenemann	Wood
Settle	Worley
Sewell	

Nays—1

Lankford

Absent

Bradford	Kelt
Brown	Mauritz
Cathey	McDonald
Davison	Newton
of Eastland	Oliver
Dean	Palmer
Harrell	Pope
Harris of Dickens	Reader
Hartzog	Sharpe
Howard	Smith of Tarrant
Huddleston	

Absent—Excused

Davison of Fisher Lucas

Mr. Thornton moved to reconsider the vote by which the Conference Committee report on House Bill No. 67 was adopted, and to table the motion to reconsider.

The motion to table prevailed.

EXPRESSING APPRECIATION TO MEMBERS OF THE HOUSE

The Speaker laid before the House, and had read the following communication:

Austin, Texas, April 19, 1937.

Honorable Bob Calvert, Speaker of the House of Representatives.

Austin, Texas.

Dear Mr. Calvert:

Kindly express our appreciation to the House of Representatives for the

memorial resolution adopted and for the beautiful flowers, expressions of sympathy and many considerations shown by both the Members and employees of the House during our recent bereavement.

Very truly yours,

MRS. JENNIE L. KNIGHT
AND FAMILY.

HOUSE BILL NO. 5 ON PASSAGE TO ENGROSSMENT

The House resumed consideration of pending business, same being House Bill No. 5, concerning the sale, transportation, etc., of intoxicating liquors, on its passage to engrossment.

The bill having been read second time on this morning, with committee amendment No. 1, offered by Mr. Moffett, pending.

Mr. Bridgers offered the following amendment to the committee amendment:

Amend committee amendment No. 1 to House Bill No. 5, by adding after Section 28 the following new sections: 29, 30, 31, 32, 33, 34, 35 and 36, and renumbering Sections 29 and 30 of the committee amendment to conform to the foregoing new sections, to read as follows:

"Section 28. In addition to all other licenses or permits for the sale of alcoholic liquors, beer and wines, as now provided by law, there shall be issued from and after the effective date of this Act, the following licenses:

A license to authorize the sale of beer, wine and liquor by the drink, upon the payment by the licensee of Five Hundred (\$500.00) Dollars.

The applicant for such permit shall comply with the requirements of law as now provided for licenses and permits; provided that no license or permit, as hereinbefore provided, shall issue for use in a city or town of less than twenty-five (25,000) thousand inhabitants, and in no event unless and until an election shall have been held in such city or town and a majority of the qualified voters in such city or town shall have voted in said election to authorize the sale within the corporate precincts of such city or town of the sale of intoxicating liquors by the drink.

"Section 29. The Commissioners Court in any county of this State in which there is a city of twenty-five

(25,000) inhabitants, or more, according to the last preceding Federal Census, upon its own motion may order an election to be held by the qualified voters of said city, to determine whether or not sale of intoxicating liquor by the drink shall be legalized in such city or cities within said county, and such court shall order a local option election for such purpose whenever petitioned to do so by as many as ten per cent of the qualified voters of said city or cities within said county, taking the votes for Governor at the last preceding general election as the basis for determining the qualified voters in such city or town; provided that no such election shall be had if, at the time the county in which such city is located has adopted local option as now provided by law, nor if such city as a subdivision of said county shall have adopted local option aforesaid; and, provided, further that nothing herein shall be construed as preventing a local option election in said city or county as now provided by law, such city having voted in favor of the sale of intoxicating liquors by the drink; provided further that no local option election for the sale of intoxicating liquors by the drink shall be held in such city within one year from the date of the preceding local option election for or against the sale of intoxicating liquors by the drink; and provided, further, that nothing herein shall prevent the holding of local option elections as otherwise provided by law.

"Section 30. Such election shall in all other respects be conducted to all intents and purposes as provided by Article 666-33 and Article 666-34 of the Penal Code relating to intoxicating liquors, Acts of 1935, Forty-fourth Legislature, Second Called Session.

"Section 31(a). At said election the vote shall be by official ballot which shall have printed or written at the top thereof in plain words "Official Ballot." Said ballot shall also have written or printed thereon in plain words, "For the sale of intoxicating liquors by the drink," and the words, "Against the sale of intoxicating liquors by the drink," or words appropriate to the election ordered, and the clerk of the County Court shall furnish the presiding officer of each such voting box within said city with a sufficient number of such ballots,

to be not less than twice the number of qualified voters at such voting boxes, and the presiding officer of each voting box shall write his name on the back of each ballot before delivering same to the voter, and each person offering to vote at such election shall, at the time he offers to vote, be furnished by such presiding officer with one such ballot; and no voter shall be permitted to depart with such ballot and shall not be assisted in voting by any person except such presiding officer or by some officer assisting in the holding of such election, under the direction of such presiding officer when requested to do so by such voter.

(b) Those who favor the sale of intoxicating liquors by the drink in such city shall erase the words "Against the sale of intoxicating liquors by the drink," by making a pencil mark through the same, and those who oppose it shall erase the words "For the sale of intoxicating liquors by the drink," by making a pencil mark through the same. No ballot shall be received or counted by the officers of such election that is not an official ballot, and that has not the name of the presiding officer of such election written thereon in handwriting of such presiding officer as provided by this Act.

"Section 32. The officers holding such election shall in all respects not herein specified conform to the General Election Laws in force regulating elections and after the polls are closed proceed to count the votes and within three days thereafter make due report of said election to the aforesaid Court. The provisions of the General Election Laws shall be followed in calling and conducting said election where not inconsistent herewith.

"Section 33. Said Court shall hold a Special Session on the fifth day after the holding of said election, or as soon thereafter as practicable, for the purpose of canvassing the votes and certifying the results, and if a majority of the voters are 'Against the sale of intoxicating liquors by the drink,' within said city said court shall immediately make an order declaring the result of said vote, and if a majority of the voters at said election shall vote 'In favor of the sale of intoxicating liquors by the drink,' the court shall make an order declaring that the sale of intoxicat-

ing liquors by the drink shall be lawful in such city from and after the entry of such order, and until such time as the qualified voters of such city shall thereafter, at a local option election for that purpose by a majority vote decide otherwise; and the order thus made shall be held to be prima facie evidence that all the provisions of law have been complied with in giving notice of and holding said election and counting and returning the vote, and declaring the result thereof.

"Section 34. It is hereby declared to be the purpose of this Act to prohibit the open saloon as such, and no license shall be issued to any person for the sale of intoxicating liquors by the drink whose sole business in or on the premises shall be the sale of beer, wines and intoxicating liquors by the drink. Vendors licensed under this Act to sell intoxicating liquors by the drink shall provide seats for the use of their customers and such vendors of intoxicating liquors by the drink for consumption on the premises where sold may sell only to customers who shall consume such beverages while seated. It shall be unlawful for such premises to contain screens or swinging doors so placed or which shall be intended to prevent passersby from seeing into the premises. At all places where sales by the drink for consumption on the premises are permitted regular meals shall be offered, either a la carte or American plan, on the premises when open for business. If the license be granted to a hotel it shall be sufficient compliance with this Act that such hotel operates in connection therewith a dining room. Any licensee violating the provisions of this subsection shall, upon conviction thereof, forfeit his license and no license shall be issued to said person within two years after such forfeiture, nor to any partnership or corporation in which he is interested. This provision shall be cumulative to other penalties in this Act contained and shall not impair the power of the Liquor Control Board herein elsewhere conferred to revoke licenses.

"Section 35. In addition to the power conferred upon the Liquor Control Board of this State to cancel and forfeit licenses, there is hereby conferred upon the County Judge power to hear complaints against licensees, and upon hearing of such complaint the County Judge may, if satisfied that any li-

icensee is not conducting a sanitary, orderly and lawful place of business, cancel the license to such licensee, and such cancellation of such license shall be binding upon the Liquor Control Board. And the County Judge may of his own motion summons such licensee to answer any complaint or complaints as to the manner in which the business of said licensee is conducted and may, in such cases cancel such license in his judgment and discretion, notifying the Liquor Control Board of such action, and no license shall thereafter be issued to such licensee except as provided by this Act.

"Section 36. The sale of intoxicating liquors by the drink between the hours of 12:00 p. m. Saturday night and 12:00 p. m. Sunday is hereby prohibited unless the city council of such city in which such sales are permitted shall otherwise fix the hours of sale. Such incorporated cities and towns of twenty-five (25,000) thousand inhabitants or more, as hereinbefore provided, are hereby authorized and empowered to fix by ordinance the hours of sale of intoxicating liquors and to define districts in which such liquors may or may not be sold. Pre-existing ordinances and charters of such cities which define and limit the districts in which intoxicating liquors may or may not be sold are hereby validated."

Mr. Fielden raised a point of order, on further consideration of the amendment, on the ground that the amendment violates certain constitutional provisions.

The Speaker declined to rule on the point of order, stating that the House could decide the matter by its vote on the amendment.

Mr. Jones of Atascosa moved to table the amendment by Mr. Bridgers.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—83

Adkins	Bond
Alexander	Boyer
Alsup	Bradbury
Amos	Bradford
Baker	Broadfoot
Bates	Burton
Beckworth	Cagle
Blankenship	Cleveland

Davis of Haskell	Mays
Davis of Jasper	McConnell
Davison	Metcalfe
of Eastland	Moffett
Deglandon	Morris
Derden	Oliver
England	Palmer
Farmer	Patterson of Mills
Fielden	Petsch
Fox	Powell
Graves	Prescott
Hamilton	Ragsdale
Harbin	Reed of Bowie
Hardin	Riddle
Harper	Roark
Harrell	Ross
Harris of Archer	Russell
Harris of Dickens	Settle
Holland	Sewell
Huddleston	Sharpe
Hull	Skaggs
Hyder	Smith of Hopkins
Johnson of Ellis	Smith
Jones of Angelina	of Matagorda
Jones of Atascosa	Stocks
Jones of Wise	Talbert
Keefe	Tennyson
Keith	Thornberry
Kelt	Waggoner
Kern	Walker
King	Weldon
Langdon	Westbrook
Lankford	Wood
Lanning	Worley
London	

Nays—49

Bell	Leonard
Boethel	Leyendecker
Bridgers	Loggins
Callan	Mann
Carssow	McCracken
Cauthorn	McDonald
Celaya	McFarland
Colquitt	McKee
Dickison	McKinney
Dollins	Monkhouse
Felty	Morse
Fuchs	Newton
Gibson	Nicholson
Hankamer	Patterson
Hanna	of Travis
Harris of Dallas	Reader
Hartzog	Reed of Dallas
Heflin	Rhodes
Herzik	Rutta
Hoskins	Schuenemann
Jackson	Simpson
James	Stinson
Johnson	Thornton
of Tarrant	Vale
Kenyon	Winfree
Knetsch	

Present—Not Voting

Tarwater	Tennant
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Absent

Brown	Mauritz
Cathey	Pope
Dean	Quinn
Howard	Shell
Leath	Smith of Tarrant
Little	Stevenson

Absent—Excused

Jones of Falls	Lucas
Davison of Fisher	

PAIRED

Mr. Tarwater (present), who would vote "yea", with Mr. Jones of Falls (absent), who would vote "nay".

Mr. Tennant (present), who would vote "nay", with Mr. Lucas (absent), who would vote "yea".

Mr. Thornton offered the following amendment to the committee amendment:

Amend House Bill No. 5, Section 15, line 30, page 13, by striking out the words "in Travis County, Texas" and inserting in lieu thereof the following: "in the county where the licensee resides".

THORNTON,
HARRIS of Dallas,
BLANKENSHIP.

Mr. Fox offered the following substitute for the amendment by Mr. Thornton:

Amend committee amendment No. 1 to House Bill No. 5, by placing a comma after the word "Texas", on page 13, Section 15, line 30, of said amendment and adding the following:

"Or any District Court in any County adjacent and continuous to Travis County."

Mr. Alexander moved to table the substitute amendment by Mr. Fox.

The motion to table prevailed.

Mr. Petsch moved to table the amendment, by Mr. Thornton, to the amendment.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—47

Alsop	Broadfoot
Baker	Cagle
Bates	Cauthorn
Bond	Cleveland

Davis of Jasper	McFarland
Davisson	Metcalfe
of Eastland	Morris
Deglandon	Morse
Derden	Nicholson
Fielden	Oliver
Graves	Palmer
Hamilton	Patterson of Mills
Harper	Patterson
Harris of Archer	of Travis
Harris of Dickens	Petsch
Holland	Ragsdale
Huddleston	Riddle
Jones of Angelina	Roark
Jones of Wise	Ross
Keefe	Simpson
Kelt	Smith of Hopkins
Langdon	Thornberry
Lankford	Westbrook
Lanning	Worley
Mauritz	

Nays—90

Adkins	Keith
Alexander	Kenyon
Amos	Kern
Beckworth	King
Bell	Knetsch
Blankenship	Leonard
Boethel	Leath
Boyer	Leyendecker
Bradbury	Little
Bradford	Loggins
Bridgers	London
Burton	Mann
Callan	Mays
Carssow	McConnell
Cathey	McDonald
Celaya	McKee
Colquitt	McKinney
Davis of Haskell	Moffett
Dickison	Monkhouse
Dollins	Newton
England	Powell
Farmer	Prescott
Felty	Reader
Fox	Reed of Bowie
Fuchs	Reed of Dallas
Gibson	Rhodes
Hankamer	Russell
Hanna	Rutta
Harbin	Schuenemann
Hardin	Settle
Harris of Dallas	Sewell
Hartzog	Sharpe
Herzik	Shell
Hoskins	Skaggs
Howard	Smith
Hull	of Matagorda
Hyder	Smith of Tarrant
Jackson	Stevenson
James	Stinson
Johnson of Ellis	Stocks
Johnson	Talbert
of Tarrant	Tarwater

Tennant	Walker
Tennyson	Weldon
Thornton	Winfree
Waggoner	Wood

Absent

Brown	McCracken
Dean	Pope
Harrell	Quinn
Heflin	Vale
Jones of Atascosa	

Absent—Excused

Davison of Fisher	Lucas
Jones of Falls	

Question recurring on the amendment by Mr. Thornton, it was adopted.

Mr. Thornton moved to reconsider the vote by which the amendment was adopted, and to table the motion to reconsider.

The motion to table prevailed.

Mr. McCracken offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 5, by striking out Section 3a, pages 49 and 50 and inserting in lieu thereof:

“(a). A Manufacturer’s License shall authorize the holder thereof to manufacture or brew beer and to distribute and sell same to others in unbroken original packages. No license of any kind shall authorize any Texas manufacturer or any other person to bottle or can or pack in containers for resale any beer at any place in this State except upon premises where same is brewed and fully aged. Annual State fee for a Manufacturer’s License shall be Five Hundred (\$500.00) Dollars.”

McCRACKEN,
GRAVES,
LEONARD,
FELTY,
MORSE,
STEVENSON,
HANKAMER,
PETSCH,
ALEXANDER,
KNETSCH,
THORNTON,
HARTZOG,
HOSKINS,
READER,
MOFFETT.

Mr. Roark moved to table the amendment by Mr. McCracken.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—77

Adkins	Kelt
Amos	Kern
Baker	King
Bates	Langdon
Bell	Leyendecker
Blankenship	Little
Boyer	Loggins
Bradbury	London
Bradford	Mauritz
Broadfoot	Mays
Cathey	McConnell
Cauthorn	Metcalfe
Colquitt	Monkhouse
Davis of Jasper	Morris
Davison	Nicholson
of Eastland	Palmer
Derden	Patterson of Mills
Dollins	Powell
England	Prescott
Fuchs	Quinn
Hamilton	Ragsdale
Hanna	Reed of Bowie
Harbin	Reed of Dallas
Hardin	Roark
Harper	Russell
Harrell	Sharpe
Harris of Archer	Skaggs
Harris of Dallas	Smith
Harris of Dickens	of Matagorda
Heflin	Smith of Tarrant
Holland	Stinson
Huddleston	Tarwater
Hull	Thornberry
Johnson of Ellis	Waggoner
Johnson	Walker
of Tarrant	Weldon
Jones of Angelina	Westbrook
Jones of Wise	Winfree
Keefe	Wood
Keith	Worley

Nays—55

Alexander	Fox
Alsup	Gibson
Beckworth	Graves
Boethel	Hankamer
Bond	Hartzog
Bridgers	Hoskins
Burton	Howard
Callan	Hyder
Carsow	Jackson
Cleveland	James
Davis of Haskell	Jones of Atascosa
Deglandon	Kenyon
Dickison	Knetsch
Farmer	Lankford
Felty	Lanning
Fielden	Leonard

McCracken	Rhodes
McDonald	Riddle
McFarland	Ross
McKee	Settle
Moffett	Sewell
Morse	Shell
Newton	Simpson
Oliver	Stocks
Patterson	Talbert
of Travis	Tennant
Petsch	Tennyson
Reader	Thornton

Present—Not Voting

Celaya	Stevenson
Schuenemann	

Absent

Brown	McKinney
Cagle	Pope
Dean	Rutta
Herzik	Smith of Hopkins
Leath	Vale
Mann	

Absent—Excused

Davison of Fisher	Lucas
Jones of Falls	

PAIRED

Mr. Schuenemann (present), who would vote "nay", with Mr. Vale (absent), who would vote "yea".

Mr. Celaya (present), who would vote "yea", with Mr. Jones of Falls (absent), who would vote "nay".

Mr. Stevenson (present), who would vote "nay", with Mr. Cagle (absent), who would vote "yea".

Mr. Roark offered the following amendment to the committee amendment:

Amend committee amendment No. 1 to House Bill No. 5, by adding the following sentence after the word "establishments" in line 6, page 50:

"Each establishment bottling beer of the same brand or beer brewed by the same brewery shall be held to be under a common management and control, and shall be subjected to the license fees prescribed herein regardless of the nature of control or ownership of each separate establishment."

The amendment was adopted.

Question — Shall the committee amendment be adopted?

AUTHORIZING CERTAIN CORRECTION IN HOUSE BILL NO. 566

Mr. Mays offered the following resolution:

H. C. R. No. 98, Authorizing certain correction in House Bill No. 566.

Whereas, House Bill No. 566 has passed the House and Senate; and

Whereas, Said bill was amended by adding the words "Bowie, or Marion", in Section 1, and Sections 2 and 5 were not amended; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the Enrolling Clerk of the House be instructed to amend Sections 2 and 5 by inserting the words "Bowie, or Marion", in their proper places.

The resolution was read second time, and was adopted.

HOUSE BILL NO. 930 WITH SENATE AMENDMENTS

Mr. Beckworth called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 930, A bill to be entitled "An Act providing for the amount that may be allowed by County Boards of Trustees to the County Superintendents of Public Instruction for expenditures for office and traveling expenses in certain counties, according to the last preceding Federal Census; repealing all laws and parts of laws, General or Special, in conflict herewith, and declaring an emergency."

The Speaker laid the bill before the House with the Senate amendments.

On motion of Mr. Beckworth, the House concurred in the Senate amendments by the following vote:

Yeas—128

Adkins	Colquitt
Alexander	Davis of Jasper
Alsup	Davisson
Amos	of Eastland
Baker	Deglandon
Bates	Derden
Beckworth	Dickison
Bell	Dollins
Blankenship	England
Boethel	Farmer
Bond	Felty
Boyer	Fielden
Bradbury	Fox
Bradford	Gibson
Bridgers	Graves
Burton	Hamilton
Callan	Hankamer
Carsow	Hanna
Cathey	Harbin
Cauthorn	Hardin
Celaya	Harper
Cleveland	Harrell

Harris of Archer	Morse
Harris of Dallas	Newton
Harris of Dickens	Nicholson
Heflin	Oliver
Herzik	Palmer
Holland	Patterson
Hoskins	of Travis
Huddleston	Petsch
Hyder	Prescott
Jackson	Quinn
James	Ragsdale
Johnson of Ellis	Reed of Bowie
Johnson	Reed of Dallas
of Tarrant	Rhodes
Jones of Angelina	Riddle
Jones of Atascosa	Roark
Jones of Wise	Ross
Keefe	Russell
Keith	Rutta
Kelt	Schuenemann
Kenyon	Settle
Kern	Sewell
King	Sharpe
Knetsch	Shell
Langdon	Simpson
Lankford	Skaggs
Lanning	Smith of Tarrant
Leath	Stinson
Leonard	Stocks
Leyendecker	Talbert
Little	Tarwater
Loggins	Tennant
London	Tennyson
Mann	Thornberry
Mauritz	Thornton
Mays	Vale
McConnell	Waggoner
McDonald	Walker
McFarland	Weldon
McKee	Westbrook
Metcalfe	Winfree
Moffett	Wood
Monkhouse	Worley
Morris	

Absent

Broadfoot	McKinney
Brown	Patterson of Mills
Cagle	Pope
Davis of Haskell	Powell
Dean	Reader
Fuchs	Smith of Hopkins
Hartzog	Smith
Howard	of Matagorda
Hull	Stevenson
McCracken	

Absent—Excused

Davison of Fisher	Lucas
Jones of Falls	

HOUSE BILL NO. 477 WITH SENATE AMENDMENTS

Mr. Huddleston called up from the Speaker's table, with Senate amend-

ments, for consideration of the amendments,

H. B. No. 477, A bill to be entitled "An Act to make it unlawful to hunt, shoot or kill any deer for a period of three years in Coryell County, Texas; fixing penalty; repealing all laws and parts of laws, and declaring an emergency."

The Speaker laid the bill before the House with the Senate amendments.

On motion of Mr. Huddleston, the House concurred in the Senate amendments by the following vote:

Yeas—131

Adkins	Heflin
Alsup	Herzik
Amos	Holland
Baker	Hoskins
Bates	Howard
Beckworth	Huddleston
Bell	Hull
Blankenship	Hyder
Boethel	Jackson
Bond	James
Boyer	Johnson of Ellis
Bradbury	Johnson
Bradford	of Tarrant
Broadfoot	Jones of Angelina
Burton	Jones of Wise
Callan	Keefe
Carssow	Keith
Cathey	Kelt
Cleveland	Kenyon
Colquitt	Kern
Davis of Haskell	King
Davis of Jasper	Knetsch
Davisson	Langdon
of Eastland	Lankford
Deglandon	Lanning
Derden	Leath
Dickison	Leonard
Dollins	Leyendecker
England	Little
Farmer	Loggins
Felty	London
Fielden	Mann
Fox	Mauritz
Fuchs	Mays
Gibson	McConnell
Graves	McDonald
Hamilton	McFarland
Hankamer	McKee
Hanna	Metcalfe
Harbin	Moffett
Hardin	Monkhouse
Harper	Morris
Harrell	Morse
Harris of Archer	Newton
Harris of Dallas	Nicholson
Harris of Dickens	Oliver
Hartzog	Palmer

Patterson
of Travis
Petsch
Powell
Prescott
Quinn
Ragsdale
Reader
Reed of Bowie
Reed of Dallas
Rhodes
Riddle
Roark
Ross
Russell
Rutta
Schuenemann
Settle
Sewell
Sharpe

Shell
Simpson
Skaggs
Smith of Tarrant
Stevenson
Stinson
Stocks
Talbert
Tarwater
Tennant
Tennyson
Thornberry
Thornton
Waggoner
Walker
Weldon
Westbrook
Winfree
Wood
Worley

Absent

Alexander	McCracken
Bridgers	McKinney
Brown	Patterson of Mills
Cagle	Pope
Cauthorn	Smith of Hopkins
Celaya	Smith
Dean	of Matagorda
Jones of Atascosa	Vale

Absent—Excused

Davison of Fisher	Lucas
Jones of Falls	

HOUSE BILLS ON FIRST READING

Mr. Burton moved to introduce, at this time, and have placed on first reading, House Bill No. 1115.

The motion prevailed by the following vote:

Yeas—136

Adkins	Cauthorn
Alexander	Celaya
Alsup	Cleveland
Amos	Colquitt
Baker	Davis of Haskell
Bates	Davis of Jasper
Beckworth	Davisson
Bell	of Eastland
Blankenship	Deglandon
Boethel	Derden
Bond	Dickison
Boyer	Dollins
Bradbury	England
Bradford	Farmer
Bridgers	Felty
Broadfoot	Fielden
Burton	Fox
Callan	Fuchs
Carssow	Gibson
Cathey	Graves

Hamilton	Metcalfe
Hankamer	Moffett
Hanna	Monkhouse
Harbin	Morris
Hardin	Morse
Harper	Newton
Harrell	Nicholson
Harris of Archer	Palmer
Harris of Dickens	Patterson of Mills
Hartzog	Patterson
Heflin	of Travis
Herzik	Petsch
Holland	Powell
Hoskins	Prescott
Howard	Quinn
Huddleston	Ragsdale
Hull	Reader
Hyder	Reed of Bowie
Jackson	Reed of Dallas
James	Rhodes
Johnson of Ellis	Riddle
Johnson	Roark
of Tarrant	Ross
Jones of Angelina	Russell
Jones of Atascosa	Rutta
Jones of Wise	Schuenemann
Keefe	Settle
Keith	Sewell
Kelt	Sharpe
Kenyon	Shell
Kern	Simpson
King	Skaggs
Knetsch	Smith
Langdon	of Matagorda
Lankford	Smith of Tarrant
Lanning	Stevenson
Leath	Stinson
Leonard	Stocks
Leyendecker	Talbert
Little	Tarwater
Loggins	Tennant
London	Tennyson
Mann	Thornberry
Mauritz	Thornton
Mays	Walker
McConnell	Weldon
McDonald	Westbrook
McFarland	Winfree
McKee	Wood
McKinney	Worley

Absent

Brown	Oliver
Cagle	Pope
Dean	Smith of Hopkins
Harris of Dallas	Vale
McCracken	Waggoner

Absent—Excused

Davison of Fisher	Lucas
Jones of Falls	

The Speaker then laid the bill before the House, it was read first time,

and referred to the appropriate committee, as follows:

By Mr. Burton, Mr. England, Mr. Broadfoot and Mr. Harrell:

H. B. No. 1115, A bill to be entitled "An Act to validate the organization and creation of all county line rural high school districts, created by General Law or by County Boards of Trustees; validating the Acts of said County Boards of Trustees and Boards of Trustees of such districts; . . . etc., and declaring an emergency."

Referred to the Committee on Education.

Mr. Dollins moved to introduce, at this time, and have placed on first reading, House Bills Nos. 1116 and 1117.

The motion prevailed by the following vote:

Yeas—128

Adkins	Hankamer
Alexander	Hanna
Alsup	Harbin
Baker	Hardin
Bates	Harper
Beckworth	Harrell
Bell	Harris of Dickens
Blankenship	Hartzog
Boethel	Heflin
Bond	Herzik
Boyer	Holland
Bradbury	Hoskins
Bradford	Howard
Bridgers	Hull
Broadfoot	Hyder
Burton	Jackson
Callan	Johnson of Ellis
Carssow	Johnson
Cathey	of Tarrant
Cauthorn	Jones of Angelina
Celaya	Jones of Atascosa
Cleveland	Jones of Wise
Colquitt	Keefe
Davis of Haskell	Keith
Davis of Jasper	Kelt
Davisson	Kern
of Eastland	King
Deglandon	Knetsch
Derden	Langdon
Dickison	Lankford
Dollins	Lanning
England	Leath
Farmer	Leonard
Felty	Loggins
Fielden	London
Fox	Mann
Fuchs	Mauritz
Gibson	Mays
Graves	McConnell
Hamilton	McDonald

McFarland	Rutta
McKee	Schuenemann
McKinney	Settle
Metcalfe	Sewell
Moffett	Sharpe
Monkhouse	Simpson
Morris	Skaggs
Newton	Smith
Nicholson	of Matagorda
Palmer	Smith of Tarrant
Patterson of Mills	Stevenson
Patterson	Stinson
of Travis	Stocks
Petsch	Talbert
Powell	Tarwater
Prescott	Tennant
Quinn	Tennyson
Ragsdale	Thornberry
Reader	Thornton
Reed of Bowie	Waggoner
Reed of Dallas	Walker
Rhodes	Weldon
Riddle	Westbrook
Roark	Winfree
Ross	Wood
Russell	Worley

Absent

Amos	Leyendecker
Brown	Little
Cagle	McCracken
Dean	Morse
Harris of Archer	Oliver
Harris of Dallas	Pope
Huddleston	Shell
James	Smith of Hopkins
Kenyon	Vale

Absent—Excused

Davison of Fisher	Lucas
Jones of Falls	

The Speaker then laid the bills before the House, they were read first time, and referred to the appropriate committees, as follows:

By Mr. Dollins and Mr. Jones of Falls:

H. B. No. 1116, A bill to be entitled "An Act making it unlawful for any citizen of this State not a resident of McLennan County to catch or attempt to catch any fish from the waters of McLennan County without having first procured a fishing license; excepting those under seventeen (17) years of age; . . . etc., and declaring an emergency."

Referred to the Committee on Game and Fisheries.

By Mr. Dollins and Mr. Jones of Falls:

H. B. No. 1117, A bill to be entitled "An Act making it unlawful for any citizen of this State to hunt with a gun in McLennan County without first procuring a General Hunting License and providing certain exemptions; providing the fees for such licenses and the fee to be retained by the collecting officer; providing the disposition of funds collected under this Act; providing a penalty for any violation of this Act; declaring an emergency and the effective date of this Act."

Referred to the Committee on Game and Fisheries.

Mr. McKee moved to introduce, at this time, and have placed on first reading, House Bill No. 1118.

The motion prevailed by the following vote:

Yeas—129

Adkins	Hardin
Alexander	Harper
Amos	Harrell
Baker	Harris of Dickens
Bates	Hartzog
Beckworth	Heflin
Bell	Herzik
Blankenship	Holland
Boethel	Hoskins
Bond	Howard
Boyer	Huddleston
Bradbury	Hull
Bridgers	Hyder
Broadfoot	Jackson
Burton	James
Callan	Johnson of Ellis
Carssow	Johnson
Cathey	of Tarrant
Cauthorn	Jones of Angelina
Celaya	Jones of Atascosa
Cleveland	Jones of Wise
Colquitt	Keefe
Davis of Haskell	Keith
Davis of Jasper	Kelt
Davisson	Kern
of Eastland	King
Deglandon	Knetsch
Derden	Langdon
Dickison	Lankford
England	Lanning
Farmer	Leath
Felty	Leonard
Fielden	Leyendecker
Fox	Little
Fuchs	Loggins
Gibson	London
Graves	Mann
Hamilton	Mauritz
Hankamer	Mays
Hanna	McConnell
Harbin	McDonald

McFarland	Schuenemann
McKee	Sewell
McKinney	Sharpe
Metcalfe	Shell
Moffett	Simpson
Monkhouse	Skaggs
Morris	Smith
Morse	of Matagorda
Newton	Smith of Tarrant
Nicholson	Stevenson
Patterson of Mills	Stinson
Patterson	Stocks
of Travis	Talbert
Powell	Tarwater
Prescott	Tennant
Quinn	Tennyson
Ragsdale	Thornberry
Reader	Thornton
Reed of Bowie	Waggoner
Reed of Dallas	Walker
Rhodes	Weldon
Riddle	Westbrook
Roark	Winfree
Ross	Wood
Russell	Worley
Rutta	

Absent

Alsup	McCracken
Bradford	Oliver
Brown	Palmer
Cagle	Petsch
Dean	Pope
Dollins	Settle
Harris of Archer	Smith of Hopkins
Harris of Dallas	Vale
Kenyon	

Absent—Excused

Davison of Fisher	Lucas
Jones of Falls	

The Speaker then laid the bill before the House, it was read first time, and referred to the appropriate committee, as follows:

By Mr. McKee:

H. B. No. 1118, A bill to be entitled "An Act to fix the maximum rate of tax to be levied for the purpose of maintaining the public schools and issuing of bonds in common school districts having a taxable valuation of One Million Five Hundred Thousand (\$1,500,000.00) Dollars or less, and declaring an emergency."

Referred to the Committee on Education.

The following House bill, introduced today, was laid before the House, read first time, and referred to the appropriate committee, as follows:

By Mr. Fox (by request):

H. B. No. 1114, A bill to be entitled

"An Act making it unlawful for any person to catch or take or attempt to take or catch catfish of less length than nine (9) inches in Burnet County; providing a penalty, and declaring an emergency."

Referred to the Committee on Game and Fisheries.

BILLS AND RESOLUTION SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled bills and resolution:

H. B. No. 1004, "An Act providing that the Commissioners' Court of any county wherein the United States Government has or shall hereafter purchase at least twenty-five (25%) per cent in area of the land in said county for reforestation and other purposes, may, with the consent of the Board of County and District Road Indebtedness and the holders of at least eighty (80%) per cent of the bonds hereinafter described, refund, under the provisions of existing law, the road bonds of any such county or of any road district or political subdivision thereof; . . . etc., and declaring an emergency."

H. B. No. 494, "An Act to amend Article 4993, Revised Civil Statutes of 1925, as amended by Acts, 1935, Forty-fourth Legislature, page 31, Chapter 11, Section 1, and declaring an emergency."

H. C. R. No. 79, Granting Grover C. Ditto and wife permission to sue the State.

NOTICES GIVEN

Notices were given by authors of all bills, which bills were heretofore laid on the table subject to call, that motions would be made to take up same for consideration on the next Legislative Day.

RECESS

Mr. Moffett moved that the House recess until 7:30 o'clock p. m., today.

Mr. Hartzog moved that the House adjourn until 10:00 o'clock a. m., tomorrow.

Question first recurring on the motion to adjourn, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—46

Bradford	Mann
Bridgers	Mays
Dickison	McDonald
Farmer	McKinney
Felty	Monkhouse
Graves	Morse
Hankamer	Newton
Hardin	Nicholson
Harper	Oliver
Harris of Dallas	Palmer
Hartzog	Prescott
Heflin	Reader
Howard	Reed of Bowie
Hull	Reed of Dallas
Hyder	Riddle
Jackson	Rutta
James	Settle
Johnson	Sewell
of Tarrant	Stevenson
Jones of Angelina	Talbert
Kenyon	Thornton
Lanning	Westbrook
Leath	Winfree
Loggins	

Nays—91

Adkins	Harrell
Alexander	Harris of Archer
Alsup	Harris of Dickens
Amos	Herzik
Bates	Holland
Beckworth	Hoskins
Bell	Huddleston
Blankenship	Johnson of Ellis
Boethel	Jones of Atascosa
Bond	Jones of Wise
Boyer	Keefe
Bradbury	Keith
Broadfoot	Kelt
Burton	Kern
Callan	King
Carssow	Knetsch
Cathey	Langdon
Cauthorn	Lankford
Cleveland	Leonard
Colquitt	Leyendecker
Davis of Haskell	Little
Davis of Jasper	London
Davisson	Mauritz
of Eastland	McConnell
Deglandon	McFarland
Derden	McKee
Dollins	Metcalfe
England	Moffett
Fielden	Morris
Fox	Patterson of Mills
Fuchs	Patterson
Gibson	of Travis
Hamilton	Petsch
Hanna	Powell
Harbin	Quinn

Ragsdale	Smith of Tarrant
Rhodes	Stinson
Roark	Stocks
Ross	Tarwater
Russell	Tennant
Schuenemann	Tennyson
Sharpe	Thornberry
Shell	Waggoner
Simpson	Walker
Skaggs	Weldon
Smith	Wood
of Matagorda	Worley

Absent

Baker	McCracken
Brown	Pope
Cagle	Smith of Hopkins
Celaya	Vale
Dean	

Absent—Excused

Davison of Fisher	Lucas
Jones of Falls	

Question next recurring on the motion to recess, it prevailed, and the House, accordingly, at 5:25 o'clock p. m., took recess until 7:30 p. m., today.

NIGHT SESSION

The House met at 7:30 o'clock p. m., and was called to order by the Speaker.

LEAVE OF ABSENCE GRANTED

(By unanimous consent)

Mr. Mays was granted leave of absence for this evening, on account of important business, on motion of Mr. Mann.

Mr. Reed of Bowie moved a call of the House for the purpose of maintaining a quorum until 10:00 o'clock p. m., today, and the call was duly ordered.

The roll of the House was called, and the following Members were present:

Mr. Speaker	Bradbury
Adkins	Bradford
Alexander	Bridgers
Alsup	Broadfoot
Amos	Brown
Bates	Burton
Beckworth	Cagle
Bell	Callan
Blankenship	Carssow
Bond	Cathey
Boyer	Cauthorn

Celaya	Mann
Cleveland	Mauritz
Colquitt	Mays
Davis of Haskell	McConnell
Davis of Jasper	McCracken
Davison	McDonald
of Eastland	McFarland
Deglandon	McKee
Derden	McKinney
Dickison	Metcalf
Dollins	Moffett
England	Morris
Farmer	Morse
Felty	Newton
Fielden	Oliver
Fox	Palmer
Fuchs	Patterson of Mills
Gibson	Patterson
Graves	of Travis
Hamilton	Petsch
Hankamer	Powell
Hanna	Prescott
Harbin	Quinn
Hardin	Ragsdale
Harper	Reader
Harrell	Reed of Bowie
Harris of Archer	Reed of Dallas
Harris of Dallas	Rhodes
Harris of Dickens	Roark
Hartzog	Ross
Heflin	Russell
Herzik	Rutta
Holland	Schuenemann
Hoskins	Settle
Howard	Sewell
Huddleston	Sharpe
Hull	Shell
Hyder	Simpson
Jackson	Skaggs
James	Smith of Hopkins
Johnson of Ellis	Smith
Johnson	of Matagorda
of Tarrant	Smith of Tarrant
Jones of Atascosa	Stinson
Jones of Wise	Stocks
Keefe	Talbert
Keith	Tarwater
Kelt	Tennant
Kenyon	Tennyson
Kern	Thornberry
King	Thornton
Knetsch	Vale
Langdon	Waggoner
Lankford	Walker
Lanning	Weldon
Leath	Westbrook
Leyendecker	Winfree
Little	Wood
Loggins	Worley
London	
	Absent
Baker	Jones of Angelina
Boethel	Monkhouse
Dean	Nicholson

Pope	Stevenson
Riddle	

Absent—Excused

Davison of Fisher Lucas
Jones of Falls

A quorum was announced present.

HOUSE BILL NO. 24 ON PASSAGE TO ENGROSSMENT

The Speaker laid before the House, as unfinished business, on its passage to engrossment,

H. B. No. 24, A bill to be entitled "An Act reciting the existing conditions of the farm, grazing and different lands of the State of Texas; determining the consequences of soil erosion and depletion of the fertility of the soil; reciting appropriate corrective methods; declaring the policy of the Legislature; defining certain words and phrases used in the Act; creating the State Soil Conservation Board; providing for the employment of an executive officer and other agents and employees as may be required; providing for a treasurer of said Board who shall be under bond; providing for the qualifications, duties, and compensation of such employees as are required by said Board; fixing the location of the office of the State Soil Conservation Board; providing the powers and duties of the State Soil Conservation Board; providing an appropriation for the use of said State Soil Conservation Board; creating County Soil Conservation Districts; designating who shall serve as officers of the respective County Soil Conservation Districts; providing for a treasurer of each County Soil Conservation District and fixing the bond therefor; prescribing the powers and duties of the County Soil Conservation Districts and prescribing the procedure therefor; repealing House Bill No. Thirteen (13), Forty-second Legislature, Regular Session; repealing Senate Bill No. Two Hundred Twenty-seven (227), Forty-fourth Legislature, Regular Session; providing that if any portion of the Act be held unconstitutional the remaining portion shall not thereby be affected; providing, that in the event any provision of this Act be in conflict with the provision of any law already existing that this Act shall be controlling, and declaring an emergency."

The bill having been read second

time on last Friday, with committee amendment by Mr. Fuchs and others, and substitute by Mr. Fuchs, Mr. Tarwater and Mr. Ragsdale, for the committee amendment pending.

Mr. Metcalfe offered the following amendment to the substitute amendment:

Amend substitute for committee amendment No. 1 to House Bill No. 24, Section 13, Subsection B, by adding at the end of said Subsection the following: "Provided that in any conservation and reclamation district heretofore created and which constitutes a River Authority of this State, which has been granted a division and appropriation of State advalorem taxes, paid or to be paid in the counties of said Authority, said authorized grant of taxes shall be superior to any grant made by this Act and when once are effective shall supersede any grant made herein."

The amendment was adopted.

Mr. Thornton offered the following amendment to the substitute amendment:

Amend substitute for committee amendment No. 1, Section 13, Subsection B, by adding the following words after the words "heretofore diverted": "or which may be diverted by virtue of any Act passed before the effective date of this Act."

THORNTON,
KENYON.

The amendment was adopted.

Mr. Metcalfe offered the following amendment to the substitute amendment:

Amend substitute for amendment to House Bill No. 24, Section 8, page 35 of mimeographed amendment, by adding at the end of said Section the following: "Provided that in the event any land owner, whose land lies wholly or in part in any district created under authority of this Act, does not agree to application of land-use regulations to his land, such district shall not have the right to carry out such regulations on said land or charge the cost of same to such land owner."

Mr. Alexander moved to table the amendment by Mr. Metcalfe.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—65

Alexander	Langdon
Baker	Leyendecker
Bates	Little
Bond	Loggins
Bradbury	London
Cagle	Mann
Callan	Mauritz
Carssow	McCracken
Cleveland	McFarland
Davis of Haskell	McKee
Davisson	Morris
of Eastland	Morse
Deglandon	Palmer
Dickison	Patterson of Mills
Fuchs	Patterson
Gibson	of Travis
Hamilton	Petsch
Hanna	Powell
Harbin	Prescott
Harper	Ragsdale
Harrell	Reader
Harris of Dallas	Reed of Bowie
Harris of Dickens	Reed of Dallas
Herzik	Rutta
Holland	Schuenemann
Howard	Settle
Huddleston	Shell
Hyder	Stocks
Jackson	Tarwater
Jones of Wise	Thornberry
Keith	Weldon
Kelt	Winfree
King	Worley

Nays—56

Adkins	Jones of Atascosa
Alsup	Kenyon
Amos	Kern
Beckworth	Knetsch
Blankenship	Lankford
Boethel	Lanning
Bridgers	McDonald
Broadfoot	McKinney
Brown	Metcalfe
Burton	Moffett
Cathey	Newton
Cauthorn	Oliver
Davis of Jasper	Quinn
Derden	Rhodes
Farmer	Roark
Fielden	Ross
Fox	Russell
Graves	Sewell
Hankamer	Sharpe
Hardin	Simpson
Harris of Archer	Skaggs
Hoskins	Smith of Tarrant
Hull	Talbert
James	Tennant
Johnson of Ellis	Tennyson
Johnson	Thornton
of Tarrant	Waggoner

Walker
Westbrook

Wood

Absent

Bell	Leath
Boyer	McConnell
Bradford	Monkhouse
Celaya	Nicholson
Davison of Fisher	Pope
Dean	Riddle
Dollins	Smith of Hopkins
England	Smith
Felty	of Matagorda
Hartzog	Stevenson
Heflin	Stinson
Jones of Angelina	Vale
Keefe	

Absent—Excused

Colquitt	Lucas
Jones of Falls	Mays

Mr. Jones of Atascosa moved the previous question on the substitute amendment for the committee amendment, and the main question was ordered.

Question recurring on the substitute amendment, as amended, it was adopted.

Mr. Moffett moved to reconsider the vote by which the substitute amendment was adopted.

The motion to reconsider prevailed.

Mr. Harris of Dickens offered the following amendment to the substitute amendment:

Amend substitute amendment for committee amendment to House Bill No. 24, by adding at the proper place the following:

"Providing that low water dams will not be used in conserving the water."

Mr. Ragsdale moved to table the amendment by Mr. Harris of Dickens.

The motion to table prevailed.

Mr. Wood offered the following amendment to the substitute amendment:

Amend substitute to committee amendment No. 1 to House Bill No. 24, by adding the following after the word "feasible" in line 2, page 22: "If any land owner within said District does not wish to participate in the benefits available under the provisions of this Act, he shall so advise the District Directors in writing. Upon the receipt of such written notice the District Directors shall exempt said land owner from all provisions of this Act".

Mr. Knetsch moved the previous question on the pending amendments, and the engrossment of House Bill No. 24, and the motion was duly seconded.

Question recurring on the motion for the main question, it was lost.

Mr. Holland moved to table the amendment by Mr. Wood.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—61

Alexander	Loggins
Baker	Mann
Bates	Mauritz
Bell	McConnell
Bond	McCracken
Boyer	McFarland
Bradbury	McKee
Broadfoot	Morse
Cagle	Newton
Carssow	Nicholson
Cleveland	Palmer
Davis of Haskell	Patterson of Mills
Davison	Patterson
of Eastland	of Travis
Deglandon	Powell
Dollins	Prescott
Fuchs	Ragsdale
Hamilton	Reader
Harrell	Ross
Hartzog	Rutta
Heflin	Schuenemann
Herzik	Settle
Holland	Sharpe
Hyder	Shell
Jones of Atascosa	Smith
Jones of Wise	of Matagorda
Keefe	Stocks
Keith	Tarwater
Kelt	Thornberry
King	Weldon
Leyendecker	Winfree
Little	Worley

Nays—76

Adkins	Dickison
Alsup	England
Amos	Farmer
Beckworth	Felty
Blankenship	Fielden
Boethel	Fox
Bradford	Gibson
Bridgers	Graves
Brown	Hankamer
Burton	Hanna
Callan	Harbin
Cathey	Hardin
Cauthorn	Harper
Davis of Jasper	Harris of Archer
Davison of Fisher	Harris of Dickens
Derden	Hoskins

Howard	Petsch
Huddleston	Quinn
Hull	Reed of Bowie
Jackson	Reed of Dallas
James	Rhodes
Johnson of Ellis	Roark
Johnson	Russell
of Tarrant	Sewell
Kenyon	Simpson
Kern	Skaggs
Knetsch	Smith of Hopkins
Langdon	Smith of Tarrant
Lankford	Stevenson
Lanning	Stinson
Leath	Tennant
Leonard	Tennyson
London	Thornton
McDonald	Vale
McKinney	Waggoner
Metcalfe	Walker
Moffett	Westbrook
Morris	Wood
Oliver	

Absent

Celaya	Monkhouse
Dean	Pope
Harris of Dallas	Riddle
Jones of Angelina	Talbert

Absent—Excused

Colquitt	Lucas
Jones of Falls	Mays

Question recurring on the amendment by Mr. Wood, it was adopted.

Mr. Wood moved to reconsider the vote by which the amendment was adopted, and to table the motion to reconsider.

The motion to table prevailed.

Mr. Leonard offered the following amendment to the substitute amendment:

Amend substitute for committee amendment No. 1 to House Bill No. 24, by changing the period to a semicolon at the end of Section 15, and adding the following: "this Act shall not in anywise affect, impair or impinge upon the rights, powers and functions of Water Improvement Districts, Water Control and Improvement Districts, Irrigation Districts, Drainage Districts, Levee Districts, and any other form of Irrigation Districts permitted under the laws of this State which have been created or may hereafter be created, but the same are expressly preserved in accordance with the terms of the act or acts under which such Districts

were created and such act or acts are in no manner impinged upon, changed, modified or repealed and shall stand unimpaired by any of the terms hereof".

LEONARD,
CELAYA.

The amendment was adopted.

Mr. Mauritz offered the following amendment to the substitute amendment:

Amend substitute for committee amendment No. 1, by adding at bottom of Section 13 the following:

"No money diverted by this Act shall be used in or allotted to districts or counties now receiving tax diversion funds under existing law."

The amendment was adopted.

Mr. Lanning offered the following amendment to the substitute amendment:

Add Subsection A-1 to Section 13 as follows:

"The total amount to be spent by the State Soil Conservation Board for salaries and administrative expenses shall not exceed five percent (5%) of the monies received by said Board."

The amendment was adopted.

Mr. Reader moved the previous question on the pending amendments, and the passage of House Bill No. 24 to engrossment, and the main question was ordered.

Question first recurring on the substitute amendment, as amended, it was adopted.

The committee amendment, as substituted, was then adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

House Bill No. 24 was then passed to engrossment.

HOUSE BILL NO. 24 ON THIRD READING

Mr. Tarwater moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 24 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—106

Adkins	Alsup
Alexander	Amos

Baker	Lanning
Bates	Leath
Beckworth	Leonard
Bell	Leyendecker
Boethel	Little
Bond	Loggins
Boyer	London
Bradbury	Mann
Broadfoot	Mauritz
Burton	McConnell
Cagle	McDonald
Callan	McFarland
Carssow	McKee
Cauthorn	Metcalfe
Cleveland	Moffett
Davis of Haskell	Morse
Davis of Jasper	Newton
Davisson	Oliver
of Eastland	Palmer
Deglandon	Patterson of Mills
Derden	Patterson
Dickison	of Travis
Dollins	Petsch
England	Powell
Farmer	Prescott
Felty	Ragsdale
Fox	Reader
Fuchs	Reed of Bowie
Gibson	Rhodes
Hamilton	Ross
Hanna	Russell
Harbin	Rutta
Harper	Schuenemann
Harrell	Settle
Harris of Archer	Sewell
Harris of Dickens	Sharpe
Hartzog	Shell
Heflin	Simpson
Herzik	Skaggs
Holland	Smith
Hoskins	of Matagorda
Huddleston	Stocks
Hyder	Talbert
James	Tarwater
Johnson of Ellis	Tennyson
Jones of Atascosa	Thornberry
Jones of Wise	Thornton
Kelt	Waggoner
Kern	Walker
King	Weldon
Knetsch	Winfree
Langdon	Worley
Lankford	

Nays—22

Blankenship	Jackson
Bridgers	Johnson
Cathey	of Tarrant
Colquitt	Kenyon
Davison of Fisher	Nicholson
Fielden	Quinn
Hankamer	Reed of Dallas
Hardin	Roark
Howard	Smith of Hopkins
Hull	Smith of Tarrant

Stinson	Wood
Tennant	
Absent	
Bradford	McCracken
Brown	McKinney
Celaya	Monkhouse
Dean	Morris
Graves	Pope
Harris of Dallas	Riddle
Jones of Angelina	Stevenson
Keefe	Vale
Keith	Westbrook

Absent—Excused

Jones of Falls	Mays
Lucas	

The Speaker then laid House Bill No. 24 before the House on third reading and final passage.

The bill was read third time.

Mr. Morris offered the following amendment to the bill:

Amend House Bill No. 24, Section 13, Subsection B, by striking out the figures "ten (10) cents" and substitute in lieu thereof the words and figures "five (5) cents".

Mr. Wood offered the following amendment to the amendment by Mr. Morris:

Amend Morris amendment to bill, by striking out the words and figures "five (5) cents".

The amendment by Mr. Wood was lost.

Mr. Reader moved the previous question on the pending amendment, and final passage of House Bill No. 24, and the main question was ordered.

Mr. Patterson of Travis moved that the House Rule, relating to the making of motions to reconsider, be suspended, at this time, for the purpose of making a motion to reconsider the vote by which the previous question was ordered.

The motion to suspend the Rule was lost by the following vote:

Yeas—61

Alsop	Brown
Amos	Burton
Beckworth	Callan
Blankenship	Cathey
Boethel	Colquitt
Bond	Derden
Boyer	England
Bradbury	Farmer

Felty	Metcalfe
Fielden	Morris
Gibson	Palmer
Hamilton	Patterson
Hankamer	of Travis
Hanna	Quinn
Hardin	Ragsdale
Harris of Dickens	Reed of Dallas
Hartzog	Rhodes
Hoskins	Ross
Jackson	Russell
James	Smith of Tarrant
Johnson of Ellis	Stevenson
Johnson	Stinson
of Tarrant	Stocks
Jones of Wise	Tennant
Kern	Tennyson
Langdon	Thornberry
Lankford	Thornton
Leath	Vale
Leyendecker	Waggoner
London	Walker
Mays	Wood
McKinney	

Nays—67

Adkins	Little
Alexander	Loggins
Bell	Mann
Bridgers	McConnell
Broadfoot	McDonald
Cagle	McFarland
Carssow	McKee
Cauthorn	Moffett
Cleveland	Morse
Davis of Haskell	Newton
Davis of Jasper	Nicholson
Davisson	Oliver
of Eastland	Patterson of Mills
Deglandon	Petsch
Dickison	Powell
Dollins	Prescott
Fox	Reader
Fuchs	Reed of Bowie
Harbin	Roark
Harper	Rutta
Harrell	Schuenemann
Harris of Archer	Settle
Heflin	Sewell
Herzik	Sharpe
Holland	Shell
Howard	Simpson
Huddleston	Skaggs
Hyder	Smith of Hopkins
Jones of Atascosa	Smith
Kelt	of Matagorda
Kenyon	Tarwater
King	Weldon
Knetsch	Winfree
Lanning	Worley
Leonard	

Absent

Baker	Bradford
Bates	Celaya

Dean	Mauritz
Graves	McCracken
Harris of Dallas	Monkhouse
Hull	Pope
Jones of Angelina	Riddle
Keefe	Talbert
Keith	Westbrook

Absent—Excused

Davison of Fisher	Lucas
Jones of Falls	

Question recurring on the amendment by Mr. Morris, it was lost.

Mr. Wood moved to suspend the Rule, relative to the making of motions to adjourn or recess after the previous question has been ordered, for the purpose of making a motion to adjourn.

The motion was lost.

House Bill No. 24 was then passed by the following vote:

Yeas—111

Adkins	Harbin
Alexander	Harper
Amos	Harrell
Baker	Harris of Archer
Bates	Harris of Dickens
Beckworth	Hartzog
Bell	Heflin
Blankenship	Herzik
Boethel	Holland
Bond	Hoskins
Boyer	Huddleston
Bradbury	Hyder
Broadfoot	James
Brown	Jones of Atascosa
Burton	Jones of Wise
Cagle	Kelt
Callan	Kern
Carssow	King
Cathey	Knetsch
Cauthorn	Langdon
Celaya	Lankford
Cleveland	Lanning
Davis of Haskell	Leonard
Davis of Jasper	Leyendecker
Davisson	Little
of Eastland	Loggins
Deglandon	London
Derden	Mann
Dickison	Mauritz
Dollins	McConnell
England	McDonald
Farmer	McFarland
Felty	McKee
Fielden	Metcalfe
Fox	Moffett
Fuchs	Morris
Hamilton	Morse
Hanna	Newton

Oliver	Simpson	Carssow	Loggins
Patterson of Mills	Skaggs	Cathey	London
Petsch	Smith	Cauthorn	Mauritz
Powell	of Matagorda	Cleveland	McConnell
Prescott	Smith of Tarrant	Davis of Haskell	McDonald
Quinn	Stocks	Davis of Jasper	McFarland
Ragsdale	Talbert	Davisson	McKee
Reader	Tarwater	of Eastland	McKinney
Reed of Bowie	Tennyson	Deglandon	Metcalfe
Rhodes	Thornberry	Derden	Moffett
Roark	Thornton	Dickison	Morse
Ross	Vale	Dollins	Newton
Russell	Waggoner	England	Oliver
Rutta	Walker	Farmer	Patterson of Mills
Schuenemann	Weldon	Felty	Petsch
Settle	Westbrook	Fox	Powell
Sewell	Winfree	Fuchs	Prescott
Sharpe	Worley	Hamilton	Ragsdale
Shell		Hanna	Reed of Bowie
	Nays—23	Harbin	Rhodes
Alsup	Kenyon	Harper	Ross
Bridgers	Leath	Harris of Archer	Russell
Colquitt	Nicholson	Harris of Dickens	Rutta
Davison of Fisher	Palmer	Hartzog	Schuenemann
Gibson	Patterson	Heflin	Settle
Hankamer	of Travis	Herzik	Sewell
Hardin	Reed of Dallas	Holland	Sharpe
Howard	Smith of Hopkins	Hoskins	Shell
Hull	Stevenson	Huddleston	Simpson
Jackson	Stinson	Hyder	Skaggs
Johnson of Ellis	Tennant	James	Smith
Johnson	Wood	Johnson of Ellis	of Matagorda
of Tarrant		Jones of Atascosa	Smith of Tarrant
	Absent	Jones of Wise	Stocks
Bradford	Keith	Kelt	Talbert
Dean	McCracken	Kenyon	Tarwater
Graves	McKinney	Kern	Tennyson
Harris of Dallas	Monkhouse	King	Thornberry
Jones of Angelina	Pope	Knetsch	Thornton
Keefe	Riddle	Langdon	Vale
	Absent—Excused	Lankford	Waggoner
Jones of Falls	Mays	Lanning	Weldon
Lucas		Leonard	Winfree
		Leyendecker	Worley
		Little	
		Nays—31	
Mr. Moffett moved to reconsider the vote by which House Bill No. 24 was finally passed, and to table the motion to reconsider.		Alsup	Leath
Question recurring on the motion to table, yeas and nays were demanded.		Beckworth	Morris
The motion to table prevailed by the following vote:		Blankenship	Nicholson
		Bond	Palmer
		Bridgers	Patterson
		Colquitt	of Travis
		Davison of Fisher	Quinn
		Fielden	Reed of Dallas
		Gibson	Roark
		Hankamer	Smith of Hopkins
		Hardin	Stevenson
		Harrell	Stinson
		Howard	Tennant
		Hull	Walker
		Jackson	Westbrook
		Johnson	Wood
		of Tarrant	
	Yeas—101		
Adkins	Boyer		
Alexander	Bradbury		
Amos	Broadfoot		
Baker	Brown		
Bates	Burton		
Bell	Cagle		
Boethel	Callan		

Absent

Bradford	Keith
Celaya	Mann
Dean	McCracken
Graves	Monkhouse
Harris of Dallas	Pope
Jones of Angelina	Reader
Keefe	Riddle

Absent—Excused

Jones of Falls	Mays
Lucas	

Mr. Hartzog moved that the House adjourn until 10:00 o'clock a. m., tomorrow.

The motion was lost.

HOUSE BILL NO. 7 ON SECOND READING

On motion of Mr. Roark, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment;

H. B. No. 7, A bill to be entitled "An Act creating a State Board of Public Welfare for the State of Texas; providing for the appointment of a State Board of Public Welfare; providing that said Board shall consist of nine (9) members, one (1) of whom shall be a representative of labor; prescribing their terms of office, qualifications and duties, and fixing their compensation; providing that any member offering himself as a candidate for public office shall automatically be disqualified from holding membership on said Board; providing that no member shall serve more than two consecutive terms; providing that the Board, its agents and employees shall constitute the State Department of Public Welfare; prescribing the rights, powers and duties of said State Department of Public Welfare; providing for the selection and appointment of an Executive Director; prescribing the qualifications, duties and fixing the salary of such Executive Director; providing for reports of the Executive Director and of the Board; providing for the creation of such divisions within the Department as the Board may deem necessary; providing that all the rights, powers and duties of the Division of Child Welfare, the Old Age Assistance Commission, and the Texas Relief Commission shall be transferred and conferred upon the

State Board of Public Welfare; etc., and declaring an emergency."

The Speaker laid the bill before the House, and it was read second time.

Mr. Alsup offered the following committee amendment to the bill:

Amend House Bill No. 7, by striking out all below the enacting clause, and inserting in lieu thereof the following:

Section 1. As used in this Act and unless a different meaning appears in the context;

a. The term "Board" means the State Board of Control.

b. The term "Division" means the Division of Public Welfare of the State Board of Control, its agents, representatives and employees.

c. The term "Executive Director" means executive director of the Division of Public Welfare.

d. The term "Public Welfare" means and includes all forms of public assistance and specific services provided for in this Act.

e. The term "Dependent Child" means a needy child under the age of sixteen years, who has been deprived of parental support or care by reason of the death, continued absence from the home, or physical or mental incapacity of a parent, and whose relatives liable under the law for his support are not able to provide adequate care or support for such child without public assistance, and who is living with his father, mother, grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle or aunt in a place maintained by one or more such relatives as his or her home.

f. The term "Child Welfare Services" means services for children provided for in this Act.

Section 2. There is hereby created a Division of Public Welfare of the State Board of Control.

Section 3. Whenever, by any of the provisions of this Act, or of any other Act, any right, power or duty is imposed or conferred on the Division of Public Welfare, the right, power or duty so imposed or conferred shall be possessed and exercised by the State Board of Control through the Division of Public Welfare unless any such right, power or duty is delegated to the duly appointed agents or employees of such Division, or any of

them by an appropriate rule, regulation or order of the Board.

Section 4. a. The Board shall select and appoint an Executive Director who shall serve as the executive and administrative officer of the Division. He shall be a person of demonstrated executive ability and extensive experience in public welfare. He shall serve at the pleasure of the Board and his salary shall be fixed by said Board not to exceed Forty-five Hundred (\$4,500.00) Dollars annually.

b. The Board shall adopt all policies, rules and regulations for the administration of the Division.

c. The Board through the Division is hereby charged with the administration or supervision of the public welfare activities of the State as hereinafter provided. The Board through the Division shall:

1. Administer or supervise aid to dependent children and assistance to the needy blind.

2. Administer or supervise all child welfare services, except as otherwise provided for.

3. Make such rules and regulations and take such action as may be deemed necessary or desirable to carry out the provisions of this Act and which are not inconsistent therewith.

4. Cooperate with the Federal Social Security Board, created under Title 7 of the Social Security Act enacted by the Seventy-fourth Congress and approved August 14, 1935, and any amendments thereto and with any other agency of the Federal Government in any reasonable manner which may be necessary to qualify for Federal aid for assistance to persons who are entitled to assistance under the provisions of that Act, and in conformity with the provisions of this Act, including the making of such reports, in such form and containing such information as the Federal Social Security Board or any other agency of the Federal Government may, from time to time, require, and comply with such requirements as such board or agency may, from time to time, find necessary to assure the correctness and verification of such reports.

5. Fix the fees to be paid to ophthalmologists, optometrists and eye specialists for the examination of applicants for and recipients of assistance as needy blind persons.

6. Have the power and it shall be its duty to:

(a) Classify all positions in the administration of this Act (except that of Executive Director);

(b) Fix standards for all positions included in the classification;

(c) Formulate salary schedules for the services so classified;

(d) Provide for the fair and impartial selection, appointment and retention of all personnel (except the Executive Director).

7. Assist other departments, agencies and institutions of the local, State, and Federal Governments, when so requested and cooperate with such agencies when expedient, in performing services in conformity with the purposes of this Act.

8. Act as the agent of the Federal Government in welfare matters of mutual concern in conformity with the provisions of this Act and in the administration of any Federal funds granted to this State to aid in the furtherance of any such functions of the State Government.

9. Establish in counties or in districts, which may include two or more counties, local units of administration to serve as agents of the Division. The Divisions shall have the right to coordinate the work of the employees of the Old Age Assistance Commission and the employees allowed under this Act for the purposes of efficiency and economy in administration of both Acts.

Section 5. The Executive Director shall prepare and submit to the Board for its approval a biennial budget of all funds necessary to be appropriated by the Legislature for the Division for the purposes of this Act, including in such budget an estimate of all Federal funds which may be allotted to this State by the Federal Government for the purposes of the Division. The budget so prepared shall be submitted to and filed with the Budget Officer of the Board in the form and manner and within the time prescribed by law.

Section 6. The Executive Director shall prepare annually a full report of the operation and administration of the Division, together with such recommendations and suggestions as he may deem advisable, and such report shall be submitted to the Board not later than the first day of Oc-

tober of each year. The board, in turn, shall submit a report to the Governor.

Section 7. a. All of the rights, powers and duties heretofore conferred by law on the Division of Child Welfare, when not otherwise in conflict with any of the provisions of this Act, are hereby continued in full force and effect and are hereby transferred to and conferred upon the Division of Public Welfare as created by this Act and shall be held, exercised and performed by the Division of Public Welfare under the provisions of this Act and the several acts now in force. To effectuate this purpose the Division of Child Welfare, its staff (subject to the subsequent operation of Section 4 c. (6) of this Act), records and physical properties are transferred to the Division of Public Welfare and placed under its supervision, and the Division of Child Welfare, of the State Board of Control is hereby abolished.

b. All of the rights, powers and duties heretofore conferred by law upon the Texas Relief Commission, not otherwise in conflict with any of the provisions of this Act, are hereby continued in full force and effect, and are hereby transferred to and conferred upon the Division of Public Welfare, as created by this Act, and shall be held, exercised and performed by the Board through the Division of Public Welfare under the provisions of this Act, and the several acts now in force, and any amendment or amendments thereto which might be made. To effectuate this purpose, the staff (subject to the subsequent operation of Section 4 c. (6) of this Act) records and physical properties of the Texas Relief Commission are transferred to the Division of Public Welfare and placed under its supervision, and the Texas Relief Commission as referred to in Chapter 30 of the Acts of 1935 is hereby abolished.

c. Provided, that no provision of this Act shall in any manner interfere with the functions of the Vocational Rehabilitation Department of the Department of Education, the State Commission for the Blind, or the Division of Maternal and Child Health of the State Health Department.

Section 8. The State of Texas hereby accepts all of the provisions and benefits of the Federal "Social

Security Act", enacted by the Congress of the United States and approved on August 14, 1935, which, by the provisions of this Act, the Board through the Division is authorized to administer, and will observe and comply with all of the requirements of such Act and the several amendments thereto and the rules and regulations issued thereunder and in conformity therewith.

Section 9. a. The State Treasurer is hereby designated as the custodian of any and all money which may be received by the State of Texas (which the Board through the Division is authorized to administer) from any appropriations made by the Congress of the United States for the purpose of cooperating with the several states in the enforcement and administration of the several provisions of the Federal "Social Security Act", and all money received from any other source, and the State Treasurer is hereby authorized to receive such money, pay it into the proper fund or the proper account of the general fund of the State Treasury, provide for the proper custody thereof and to make disbursements therefrom upon the order of the Board and upon warrant of the State Comptroller of Public Accounts.

b. The State Treasurer shall transfer to the credit an account to be designated and known as "The Division of Public Welfare of the Board of Control" any moneys in the general fund or any special fund credited to the Division of Child Welfare of the Board of Control, and the Texas Relief Commission of the Board of Control, for the remainder of the biennium commencing on the effective date of this Act. Provided that all general or special funds hereby transferred shall be expended only for the purpose or purposes for which they were created or appropriated.

Section 10. The Board is hereby designated as the State agency to cooperate with the Federal Government in the administration of the provisions of Title I, Title IV, Part 3 of Title V, and Title X, of the Federal "Social Security Act." The Board is hereby authorized and directed to cooperate with the proper departments of the Federal Government and with all other departments of the State and local governments in the enforcement and administration of such provisions of the Federal "So-

cial Security Act", and any amendments thereto and the rules and regulations issued thereunder, and in compliance therewith, in the manner prescribed in this Act or as otherwise provided by law.

Section 11. Assistance shall be given under the provisions of this Act to any blind person who:

a. Is twenty-one (21) years of age or over; and

b. Whose vision is insufficient for use in an occupation for which sight is essential; and

c. Has resided in this State for five (5) years during the nine (9) years immediately preceding the date of application, or who suffered loss of sight while a resident of this State and has resided continuously in this State since such loss of sight, or who was blind and resided in this State at the time of the passage of this Act; and who has resided in this State continuously for one (1) year immediately preceding the date of application; and

d. Who is not an inmate of any charitable or correctional institution of this State or of any county or city thereof; provided that an inmate of such a charitable institution may, at the discretion of the Division of Welfare of the State Board of Control, be granted a benefit in order to enable him to maintain himself outside the institution; and

e. Who is not, at the time of making application, suffering from physical or mental infirmity, which, in itself, would make him a charge upon any other institution or agency of this State, and which had so incapacitated him prior to the loss of sight, that such person was a public charge prior thereto; and

f. Who is not publicly soliciting alms in any part of this State. The term "publicly soliciting" shall be construed to mean the wearing, carrying, or exhibiting the signs denoting blindness, or the carrying of receptacles for the reception of alms, or the doing of the same by proxy, or by begging from house to house.

Section 12. No aid to needy blind persons shall be given under the provisions of this Act to any individual for any period with respect to which he is receiving aid under the Old Age Assistance Act of the State of Texas.

Section 13. Any person claiming benefit under this Act shall file with

the Division a duly verified statement of facts sufficient to bring him or her within the provisions of this Act. The said Division shall fully establish the facts set forth in the petition and any other facts it deems necessary, including the legal residence of the applicant in the State of Texas, and shall refer the applicant to an examiner of the blind for examination of his eye condition.

Section 14. The amount of assistance which any blind person shall receive shall be determined with due regard to the resources and necessary expenditures of the individual and the conditions existing in each case and in accordance with the rules and regulations made by the Board, and shall be sufficient, when added to all other income and support of the recipient, to provide such person with a reasonable subsistence compatible with decency and health.

Section 15. No application for assistance as a blind person shall be approved until the applicant shall have been examined by an ophthalmologist, optometrist, eye specialist, or a physician licensed to practice medicine in Texas, and who has been approved by the Board through the Division to make such examinations. The examining ophthalmologist, optometrist, eye specialist, or physician shall certify, in writing upon forms prescribed by the Board through the Division as to the cause, diagnosis and prognosis, and shall make recommendations as to medical and surgical treatment. The board shall adopt reasonable fee schedules for such examinations. Such fees shall be paid out of the funds appropriated to the Division for the purpose of assistance to needy blind persons under the provisions of this Act or for administrative expense.

Section 16. No assistance given to any blind person under the provisions of this Act shall be transferable or assignable, at law or in equity, and none of the money paid or payable under the provisions of this Act shall be subject to execution, levy, attachment, garnishment or other legal process, or to the operation of any insolvency law.

Section 17. All assistance granted under the provisions of this Act to any blind person shall be reconsidered as frequently as may be required by the rules of the Division. After such fur-

ther investigation as the Board through the Division may deem necessary or may require, the amount of assistance may be changed, or assistance may be entirely withdrawn if the Board through the Division finds that the recipient's circumstances have altered sufficiently to warrant such action. The Division may at any time cancel and revoke assistance or it may suspend assistance for such period as it may deem proper, upon the ground of ineligibility of the recipient under the provisions of this Act. Whenever assistance is thus withdrawn, revoked, suspended or in any way changed, the Division shall at once notify the recipient of such decision.

Section 18. Every recipient of assistance as a blind person shall submit to a re-examination of his eyesight at least once every two years, unless excused therefrom by the Division. He shall also furnish any information required by the Division.

Section 19. No assistance under the provisions of this Act shall be granted or continued to any blind person who refuses medical, surgical or other treatment, when his eyesight may be partially or wholly restored by such treatment and a certificate in writing to that effect is made by the examining physician or ophthalmologist. Any person who is denied assistance upon this ground shall be granted an opportunity for a fair hearing as herein provided.

Section 20. If the Division, upon examination, finds that the recipient or claimant for assistance may have such disability benefited or removed by proper surgical operation or medical treatment, according to the evidence of a qualified ophthalmologist, and such person entitled to such assistance file his consent in writing, then the Division may expend for such surgical operation or medical treatment and other expenses incidental thereto, all or any portion of the assistance which the said Division may award any such person for one (1) year under the provision of this Act. In such case, the warrant may be directly issued to the person performing such surgical operation or rendering such medical or other services, by the Division, instead of being paid as the Division may have directed to the person entitled thereto.

Section 21. Any person who shall

knowingly or wilfully procure or attempt to procure, directly or indirectly, any allowance for assistance under this Act, for or on account of a person not entitled thereto, or who shall knowingly or wilfully pay or permit to be paid any allowance to a person not entitled thereto, shall be guilty of a misdemeanor and shall be fined not less than Five Hundred (\$500.00) Dollars or six (6) months' imprisonment, or both fine and imprisonment.

Section 22. For the purpose of this Act, a person shall be considered as blind who has vision in the better eye with correcting glasses of 20/200 or less, or a disqualifying visual field defect, as determined upon examination.

Section 23. Assistance shall be given under the provisions of this Act to any dependent child who:

- a. Is a citizen of the United States;
- b. Has resided in this State for a period of at least one year immediately preceding the date of the application for such assistance, or was born within the State within one year immediately preceding the date of application, and whose mother has resided in the State for a period of at least one year immediately preceding the birth of such child; and
- c. Is living in a suitable family home conforming to the standards of care and health, fixed by the laws of this State and the rules and regulations of the Board.

Section 24. The amount of assistance which shall be granted for any dependent child shall be determined by the Board through the Division, through its district or county office in the county or district in which the child resides with due regard to the resources and necessary expenditures of the family of such child and the conditions existing in each case and in accordance with the rules and regulations made by the Board, and shall be sufficient, when added to all other income and support available to the child to provide such child with a reasonable subsistence compatible with decency and health.

Section 25. Application for assistance for a dependent child under the provisions of this Act shall be made in the manner and upon the form prescribed by the Board. During the period which assistance is granted the

local office shall be responsible for continuous supervision and general guidance of all children aided.

Section 26. When the investigation discloses that a child in whose behalf application for assistance has been made is a dependent child as defined in this Act, and that such child is living, or will live, with one or more of the relatives prescribed in this Act, assistance may be allowed for the support of such child without complying with any law of this State other than the provisions of this Act.

Section 27. The Board through the Division is hereby designated as the agency to cooperate with the Children's Bureau of the United States Department of Labor in:

a. Establishing, extending and strengthening, especially in predominantly rural areas, public welfare services for the protection and care of homeless, dependent, and neglected children and children in danger of becoming delinquent; and

b. Developing state services for the encouragement and assistance of adequate methods of community child welfare organization and paying part of the cost of district, county or other local child welfare services in areas predominantly rural and in other areas of special need; and

c. Developing such plans as may be found necessary to effectuate the services contemplated in this section and to comply with the rules and requirements of the Children's Bureau of the United States Department of Labor issued and prescribed in conformity with and by virtue of the Federal "Social Security Act".

Section 28. Assistance shall be granted under the provisions of this Act to all persons or families who are in dependent and needy circumstances, and who are ineligible for or not currently receiving assistance in other categories specified in this Act.

Section 29. The Board through the Division shall designate district or local units of administration as its agents in administering these general relief services.

Section 30. The Board through the Division is hereby designated as the State Agency to cooperate with the Federal Government in the proper administration and distribution of Federal surplus commodities and any other Federal resources that may be provided in the future.

Section 31. Whenever an application for assistance made by a needy blind person or with respect to a dependent child is denied, or a grant that has been made is revoked, cancelled or modified, the applicant or recipient, as the case may be, shall have an opportunity for a fair hearing before the Board or a responsible agent designated by the Board within a reasonable time.

Section 32. No person shall make any charge or receive any fee for representing any applicant or recipient of assistance to the needy blind or to any dependent child or for any child welfare services with respect to any application before the State Board or any of its agents, whether such fee or charges be paid by the applicant or recipient or any other person.

Section 33. All records concerning any applicant or recipient contemplated in this Act, shall be confidential, and shall be open to inspection only to persons duly authorized by the State or the United States, in connection with their official duties.

Section 34. Nothing contained in this Act shall be construed to relieve any person from the liability of maintaining and supporting his parent or parents or child or spouse as provided or hereinafter provided by the laws of this State. If at any time during the continuance of blind assistance or assistance to dependent children, or general relief the Division has reason to believe that a spouse, son or daughter or parent of recipient is liable for the support of the recipient and is reasonably able to assist the recipient, the Board through the Division shall, after notifying such person of the amount of the assistance granted, be empowered to bring suit against such spouse, son or daughter or parent to recover the amount of the assistance paid under the provisions of this Act subsequent to such notice, or such part thereof as such spouse, son or daughter or parent might reasonably have paid.

Section 35. Any person who is receiving assistance under the provisions of this Act and who moves out of and does not reside in the State shall, by virtue of that fact, be deemed ineligible to receive assistance in this State, except that temporary absence from the State or county, for such periods of time and for such reasons as the Board through the Division shall approve, shall not be

deemed to interrupt the residence of the recipient as prescribed in this Act.

Section 36. No person who has attained the age of 65 and who is not receiving old age assistance shall, by reason of his age, be debarred from receiving other public relief and care.

Section 37. The purpose of this Act is to inaugurate a program of social security and to provide necessary and prompt assistance to the residents of this State who are entitled to avail themselves of its provisions. This Act shall be liberally construed in order that its purposes may be accomplished as equitably, economically and expeditiously as possible.

Section 38. Whoever obtains, or attempts to obtain, or aids or abets any person to obtain, by means of a wilfully false statement or representation or by impersonation, or by other fraudulent means:

a. Assistance, services or treatment to which he is not entitled;

b. Assistance, services or treatment greater than that to which he is justly entitled;

c. Payment of any forfeited installment grant; or with intent to defraud, aids or abets in buying or in any way disposing of the property of a recipient of assistance without the consent of the Board through the Division, or whoever violates Section 34 of this Act, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined any sum not more than Five Hundred Dollars or be imprisoned for not more than five months, or be both so fined and imprisoned, in the discretion of the court. In assessing the penalty, the court shall take into consideration the amount of money fraudulently received.

Section 39. a. Notwithstanding the taking effect of this Act, the several officers and agencies of the State whose duties are transferred by this Act to the Division shall continue to discharge the respective duties which they were discharging at the time of the taking effect of this Act, until the Board shall certify in writing, to the Secretary of State that the Division of Public Welfare is organized, as prescribed in this Act and is prepared to assume the duties assigned to it by the provisions of this Act.

b. All matters and orders pend-

ing before or made by any officer or department or unit transferred under this Act to the Division shall be deemed to be continued in like status in such department.

Section 40. All assistance granted under the provisions of this Act shall be deemed to be granted and to be held subject to the provisions of any amending or repealing Act that may hereafter be passed, and no recipient shall have any claim for compensation, or otherwise, by reason of his assistance being affected in any way by any amending or repealing Act.

Section 41. At such time as county or district boards are appointed under the terms of this Act, County Child Welfare Boards established in conformity with Section 4, Acts of 1931, Forty-second Legislature, page 323, Chapter 194, shall be dissolved and shall cease to function.

Section 42. There is hereby appropriated out of the general revenue of this State an additional sum of Twenty-five Thousand (\$25,000.00) Dollars, or so much thereof as may be necessary, for the purpose of carrying out the provisions of this Act for the biennium ending August 31, 1937, and thereafter moneys to be appropriated by the Legislature of the State of Texas.

Section 43. No provision of this Act is intended to release the counties in this State from the specific responsibility which is currently borne by those counties in support of public welfare, child welfare and relief services. Such funds which hereafter may be appropriated by the counties for these services and administered through the county or district offices shall be devoted exclusively to the services in the county making such appropriation.

Section 44. For the purpose of paying the additional expenses placed upon the Comptroller of Public Accounts under the provisions of this Act, including the purchase of equipment and supplies, printing of warrants, and stationery, office space, and any other expenses necessary in carrying out the provisions of this Act, there is hereby appropriated, out of any money in the State Treasury, not otherwise appropriated, the sum of Ten Thousand (\$10,000) Dollars, or so much thereof as may be necessary, for the period beginning on the effective date of this Act and ending August 31, 1937.

Section 45. If any section, subsection, paragraph, sentence, clause, phrase, or word of this Act, or the application thereof to any person or circumstances is held invalid, such holding shall not affect the validity of the remaining portions of the Act, and the Legislature hereby declares that it would have passed such remaining portions despite such invalidity.

Section 46. This Act shall be known and may be cited as "The Welfare Act of 1937".

Section 47. All Acts, laws or parts thereof in conflict with this Act are hereby repealed.

Section 48. This Act, insofar as it applies to needy blind and dependent children shall take effect and become a law on September 15, 1937. If the complete returns by the Election Board, however, show that House Joint Resolution No. of the Forty-fifth Legislature has been adopted by the people by a majority, then in that event, the Division and those designated by them for carrying out the provisions of this Act shall begin to discharge those duties incumbent on them, insofar as they apply to needy blind and dependent children, on such date.

If, however, House Joint Resolution No. of the Forty-fifth Legislature shall not have been adopted as an amendment to the Constitution of the State of Texas, then, and in that event, this Act, insofar as it applies to needy blind and dependent children, shall be without effect and force.

Section 49. The fact that there is not a proper agency in this State for administering the several provisions and benefits provided under the provisions of the Federal "Social Security Act", of 1935, and the further fact that there are thousands of needy persons in this State entitled to such benefits, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be, and the same is hereby suspended, and this Act shall take effect from and after the date of its passage, and it is so enacted.

KERN and others.

Mr. McKee offered the following amendment to the committee amendment:

Amend committee amendment to

House Bill No. 7, page 5, by striking out all of Subsection "C" of Section 7, and inserting in lieu thereof the following:

"C" "Provided, that no provision of this Act shall in any manner interfere with the powers and functions of the Vocational Rehabilitation Department of the Department of Education, the State Commission for the Blind, or the Division of Maternal and Child Health of the State Health Department."

The amendment was adopted.

Mr. Alsup offered the following amendment to the committee amendment:

Amend committee amendment No. 1 to House Bill No. 7, by striking out the word and figure "Title I" and the comma following in Section 10, line 40 on page 5.

The amendment was adopted.

Mr. Alsup offered the following amendment to the committee amendment:

Amend committee amendment No. 1 to House Bill No. 7, by striking out all of line 12 in Section 4 a. on page 2 of printed amendment.

The amendment was adopted.

Mr. Alsup offered the following amendment to the committee amendment:

Amend committee amendment No. 1 to House Bill No. 7, by striking out in Section 4, page 3, lines 26 through 29.

The amendment was adopted.

Mr. Alsup offered the following amendment to the committee amendment:

Amend committee amendment No. 1 to House Bill No. 7, by adding at the end of Section 24 the following:

"Provided that the amount of assistance that may be paid for any dependent child, who has qualified under the terms of this Act, shall never exceed the sum of Twelve (\$12.00) Dollars per month, or if there is more than one dependent child in the same home, the sum paid shall never exceed Twelve (\$12.00) Dollars per month with respect to one such dependent child and Eight (\$8.00) per month with respect to each of the other dependent children, and in addition thereto such funds as the Federal Government may appropriate and allocate to the State of

Texas from time to time, shall be distributed to the recipients of assistance in like manner as State funds are paid under the terms of this Act; provided that in no case shall such assistance be in an amount which, when added to the assistance received from all other sources, including assistance from the State and Federal Governments, shall exceed a total of Eighteen (\$18.00) Dollars per month for any one such dependent child, or if there is more than one dependent child in the same home, the sum paid shall never exceed Eighteen (\$18.00) Dollars per month with respect to one such dependent child and Twelve (\$12.00) per month with respect to each of the other dependent children.

The amendment was adopted.

Mr. Alsup offered the following amendment to the committee amendment:

Amend committee amendment No. 1 to House Bill No. 7, by striking out all of Section 14 on page 7 of printed amendment and inserting in lieu thereof the following:

"Section 14. The amount of assistance that may be paid to any blind person, who has qualified under the terms of this Act, shall never exceed the sum of Fifteen (\$15.00) Dollars per month, and in addition thereto such funds as the Federal Government may appropriate and allocate to the State of Texas from time to time, shall be distributed among the recipients of assistance in like manner as State funds are paid under the terms of this Act; provided that in no case shall such assistance be in an amount which, when added to the income of the applicant from all other sources, including income from property and from the State and Federal Governments, shall exceed a total of Thirty (\$30.00) Dollars per month, provided that the assistance granted herein shall be granted in such amounts as will provide reasonable subsistence not incompatible with good health and decency."

The amendment was adopted.

Mr. Fielden offered the following amendment to the committee amendment:

Amend committee amendment No. 1, by striking out the words and figures "21", Section 11, Subsection a, line 12, page 6, and adding in lieu thereof the words and figures "18".

The amendment was lost.

Mr. McKee offered the following amendment to the committee amendment:

Amend committee amendment No. 1 to House Bill No. 7, by adding at the end of Section 19 the following:

"The Commission to appoint regular practicing physicians to examine the blind as to their physical conditions and appoint optometrists, oculists, or ophthalmologists to examine applicants as to the condition of their eyes."

The amendment was adopted.

Question recurring on the committee amendment, as amended, it was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

House Bill No. 7 was then passed to engrossment.

HOUSE BILL NO. 7 ON THIRD READING

Mr. Alsup moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 7 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—116

Adkins	Deglandon
Alsup	Derden
Amos	Dickison
Baker	Dollins
Bates	Fielden
Beckworth	Fuchs
Bell	Gibson
Blankenship	Hamilton
Boethel	Hankamer
Bond	Hanna
Boyer	Harbin
Bradbury	Hardin
Bradford	Harper
Bridgers	Harrell
Brown	Harris of Archer
Burton	Harris of Dickens
Callan	Hartzog
Carssow	Heflin
Cathey	Herzik
Cauthorn	Holland
Celaya	Hoskins
Cleveland	Howard
Colquitt	Huddleston
Davis of Haskell	Hull
Davison of Fisher	Hyder
Davisson	Jackson
of Eastland	James

Johnson of Ellis	Powell	Bates	Langdon
Johnson	Prescott	Beckworth	Lankford
of Tarrant	Quinn	Bell	Lanning
Jones of Wise	Ragsdale	Blankenship	Leath
Kelt	Reader	Boethel	Leonard
Kern	Reed of Bowie	Bond	Leyendecker
King	Reed of Dallas	Boyer	Little
Knetsch	Rhodes	Bradbury	Loggins
Langdon	Roark	Bradford	London
Lankford	Ross	Bridgers	Mann
Lanning	Russell	Brown	Mauritz
Leath	Settle	Burton	McConnell
Leonard	Sewell	Callan	McDonald
Little	Sharpe	Carssow	McKee
Leyendecker	Shell	Cathey	Metcalfe
Loggins	Simpson	Cauthorn	Moffett
London	Skaggs	Celaya	Morris
Mann	Smith of Hopkins	Cleveland	Morse
Mauritz	Smith	Colquitt	Newton
McConnell	of Matagorda	Davis of Haskell	Nicholson
McDonald	Smith of Tarrant	Davison of Fisher	Palmer
McKee	Stinson	Davison	Patterson of Mills
Metcalfe	Stocks	of Eastland	Patterson
Moffett	Talbert	Deglandon	of Travis
Morris	Tarwater	Derden	Petsch
Morse	Tennant	Dickson	Powell
Newton	Tennyson	Dollins	Prescott
Nicholson	Thornberry	Fielden	Quinn
Palmer	Thornton	Fuchs	Ragsdale
Patterson of Mills	Walker	Gibson	Reader
Patterson	Weldon	Hamilton	Reed of Bowie
of Travis	Wood	Hankamer	Reed of Dallas
Petsch	Worley	Hanna	Rhodes
		Harbin	Roark
		Hardin	Ross
		Harper	Russell
		Harrell	Rutta
		Harris of Archer	Settle
		Harris of Dickens	Sewell
		Hartzog	Sharpe
		Heflin	Shell
		Herzik	Simpson
		Hoskins	Skaggs
		Howard	Smith of Hopkins
		Huddleston	Smith
		Hull	of Matagorda
		Hyder	Smith of Tarrant
		Jackson	Stinson
		James	Stocks
		Johnson of Ellis	Talbert
		Johnson	Tarwater
		of Tarrant	Tennant
		Jones of Wise	Tennyson
		Keefe	Thornberry
		Keith	Thornton
		Kelt	Walker
		Kern	Weldon
		King	Wood
		Knetsch	Worley
			Absent
			Alexander
			Broadfoot
			Cagle
			Davis of Jasper
			Dean
			England
			Farmer
			Felty
			Fox
			Graves
			Harris of Dallas
			Jones of Angelina
			Jones of Atascosa
			Keefe
			Keith
			Absent—Excused
			Jones of Falls
			Lucas
			The Speaker then laid House Bill No. 7 before the House on third reading and final passage.
			The bill was read third time, and was passed by the following vote:
			Yeas—118
			Adkins
			Alsup
			Amos
			Baker

Fox	Monkhouse
Graves	Oliver
Harris of Dallas	Pope
Holland	Riddle
Jones of Angelina	Schuenemann
Jones of Atascosa	Stevenson
Kenyon	Vale
McCracken	Waggoner
McFarland	Westbrook
McKinney	Winfree

Absent—Excused

Jones of Falls	Mays
Lucas	

Mr. Hartzog moved that the House adjourn until 10:00 o'clock a. m., tomorrow.

The motion was lost.

HOUSE BILL NO. 68 ON SECOND READING

On motion of Mr. James, the regular order of business was suspended, to take up and have placed on its second reading and passage to engrossment,

H. B. No. 68, A bill to be entitled "An Act amending Title 11, Chapter 6, Articles 647, 648, 649, 650 and 651 of the Penal Code of the State of Texas, Revision of 1925, so as to prohibit the buying and selling of pools or bookmaking on any horse race outside of an enclosure duly licensed by the Racing Commission of Texas; making certain acts prima facie evidence of a violation thereof; prohibiting the use of any property outside of an enclosure duly licensed by the Racing Commission of Texas for selling pools or bookmaking on horse races and providing what constitutes prima facie evidence of a violation thereof; prohibiting the furnishing of means of communication to persons using property other than an enclosure duly licensed by the Racing Commission of Texas for bookmaking or pool selling and providing what constitutes prima facie evidence of a violation thereof; providing penalties for the violation of the several sections of this Act, and declaring an emergency."

The Speaker laid the bill before the House, and it was read second time.

Mr. Hardin offered the following committee amendment to the bill:

Amend House Bill No. 68, by striking out everything below the enacting clause and inserting in lieu thereof the following:

"Section 1. Pool Selling and Bookmaking:

Whoever shall engage or assist in pool selling or bookmaking on any horse race in this State or elsewhere, or whoever shall use the telegraph, telephone or radio in connection with pool selling or bookmaking, or whoever by means of bookmaking or pool selling shall take or accept any bet or wager or money or anything of value on any horse race in this State or elsewhere or whoever shall aid any other person in betting or placing a bet or taking or accepting any bet or wager on any horse race in this State or elsewhere, shall be punished by confinement in the penitentiary for any time not to exceed five (5) years or a fine of not less than \$100.00 nor more than \$1,000.00 and imprisonment in the county jail not to exceed two years. It shall not be necessary to prove that the horse race was in fact run, trotted or paced.

"Section 2. Prima Facie Evidence of Violation:

Proof of the receipt by any person, acting either as owner, principal, agent or employe, upon the same day of bets upon two or more horses entered in the same race or in different races or of two or more bets on the same horse in the same race shall be prima facie evidence of a violation of the provisions of the proceeding Article. It shall not be necessary to prove that said horse race was in fact run, trotted or paced.

Any indictment or information charging the defendant with receiving more than one wager or bet on a horse race on the same day shall be deemed sufficient to charge the offense of bookmaking or pool selling.

"Section 3. Using Place for Bookmaking:

No owner, agent or lessor or lessee of any property in this State shall knowingly permit the same to be used as a place for selling pools or bookmaking or wagering or receiving a bet or assisting any person in placing any bet or receiving or transmitting any offer to bet money or any article of value on any horse race in this State or elsewhere. Proof of the use of any property in this State for the purpose herein declared to be unlawful shall be prima facie evidence of a violation of the provisions of this Section. And it shall not be necessary to prove that said horse

race was in fact run, trotted or paced. Whoever violates any provision of this Act shall be punished by confinement in the penitentiary for any term not to exceed five (5) years, or by fine of not less than \$100.00 nor more than \$1,000.00, and imprisonment in the county jail not to exceed two years.

"Section 4. If any person shall knowingly go into or remain in any place made unlawful by this Act, he shall be fined not exceeding \$100.00.

"Section 5. Use of communication Methods to Aid Bookmaking:

It shall be unlawful for any person either as owner, principal, agent or employee or any corporation or association of persons knowingly to furnish telephone, telegraph or radio service or equipment or to place the same on any property in this State used for the purposes prohibited by this Act or to assist in the violation of said Articles by the furnishing of any telegraph, telephone or radio service or equipment. It shall be unlawful further for any person or association of persons or corporation knowingly to permit any telegraph, telephone, radio or other means of communication whatever to remain on any property used for the purposes prohibited by this Act. Any person or association of persons or any corporation violating any provision of this Article shall be fined not less than \$100.00 nor more than \$1,000.00. No person or corporation engaged in the public utility business of furnishing telegraph or telephone service to the public shall be liable in damages when it or they in good faith refuse to furnish telegraph or telephone service or equipment or refuse to continue to do so believing it is to be used or is being used in violation of this Act, or where it or they refuse to furnish or to continue to furnish telegraph or telephone equipment or service after written notice from a District Attorney, County Attorney, Sheriff or Chief of Police that the equipment or service furnished to a particular person, corporation or place is being furnished in violation of the provisions of this Act. After such notice has been given to any person or corporation engaged in the public utility business of furnishing telegraph or telephone service to the public that such service or equipment is being used or is to be used in violation of this Act, the continued

furnishing of such service or equipment shall be prima facie evidence of the violation of the provisions of this Section.

"Section 6. Whoever shall buy pools or otherwise wager or bet money or anything of value on any horse race in this State or elsewhere or offer to wager or place any money or other thing of value with any other person to be transmitted to any other place to be wagered on any horse race or whoever uses the telephone or telegraph for such purposes shall be fined not less than \$50.00 nor more than \$200.00.

"Section 7. A conviction may be had for the violation of the provisions of this Act upon the uncorroborated testimony of an accomplice; provided, further, that any party to a transaction prohibited by this Act may be required to furnish evidence and testify, but after so testifying such person shall be exempt from prosecution with reference to any transaction about which he testified or furnished evidence.

"Section 8. Articles 647, 648, 649, 650, 651 and 652, Penal Code of Texas, 1925, are hereby repealed, and all other laws and parts of laws insofar as they conflict with the provisions of this Act are hereby repealed, but the repeal of these Articles shall not affect in any manner any indictment or information brought under the provisions of such Articles now pending in any court in this State.

"Section 9. If any clause, provision, requirement or part of this Act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not invalidate the remainder of this Act; but shall be confined in its operation to the clause, provision, requirement or part thereof declared invalid.

"Section 10. The fact that pool selling and bookmaking is being conducted on a wide scale in many sections of this State by persons who have never shown respect for any law, that this State is being deprived of much needed revenue by the operation of these establishments, that there is some confusion now attending the laws relating to subject matter of this bill as to whether the acts and omissions herein referred to are felonies or misdemeanors, and the fact that the widespread betting upon horse races at places where said races

are not being actually run, trotted or paced has caused great disrespect for many other laws of this State, creates and constitutes an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read in each House on three several days be suspended, and this Act take effect and be in full force from and after its passage, and it is so enacted."

Mr. Davisson of Eastland offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 68, by striking out the words "shall be punished by confinement in penitentiary for any time not to exceed 5 years" in lines 31 and 32 and change the words "\$100" to "\$500" in line 32, and from "\$1,000" to "\$5,000" in line 33.

The amendment was adopted.

Mr. Fielden offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 68, by adding the words "dog races" after the word "horse" in line 23.

The amendment was adopted.

Mr. Tennant offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 68, by striking out Section 4.

TENNANT,
GIBSON.

On motion of Mr. Hardin, the amendment was tabled.

The committee amendment, as amended, was then adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

House Bill No. 68 was then passed to engrossment.

HOUSE BILL NO. 68 ON THIRD READING

Mr. Hardin moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 68 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—104

Adkins	Kern
Alsup	King
Amos	Knetsch
Bates	Langdon
Beckworth	Lankford
Bell	Lanning
Blankenship	Leath
Boethel	Leonard
Bond	Leyendecker
Boyer	Little
Bradbury	Loggins
Brown	London
Burton	Mauritz
Callan	McConnell
Carssow	McKee
Cathey	Metcalfe
Cauthorn	Moffett
Cleveland	Morris
Colquitt	Newton
Davis of Haskell	Palmer
Davison of Fisher	Patterson of Mills
Davisson	Patterson
of Eastland	of Travis
Deglandon	Petsch
Derden	Powell
Dickison	Prescott
Fielden	Quinn
Fox	Ragsdale
Fuchs	Reed of Bowie
Gibson	Reed of Dallas
Hamilton	Rhodes
Hankamer	Roark
Hanna	Ross
Harbin	Russell
Hardin	Settle
Harrell	Sewell
Harris of Archer	Sharpe
Harris of Dickens	Shell
Hartzog	Simpson
Heflin	Skaggs
Herzik	Smith of Hopkins
Holland	Smith of Tarrant
Hoskins	Stinson
Hull	Stocks
Hyder	Talbert
Jackson	Tennant
James	Tennyson
Johnson of Ellis	Thornberry
Johnson	Thornton
of Tarrant	Walker
Jones of Wise	Weldon
Keefe	Wood
Keith	Worley
Kelt	

Nays—2

Morse

Reader

Absent

Alexander	Broadfoot
Baker	Cagle
Bradford	Celaya
Bridgers	Davis of Jasper

Dean	McKinney
Dollins	Monkhouse
England	Nicholson
Farmer	Oliver
Felty	Pope
Graves	Riddle
Harper	Rutta
Harris of Dallas	Schuenemann
Howard	Smith
Huddleston	of Matagorda
Jones of Angelina	Stevenson
Jones of Atascosa	Tarwater
Kenyon	Vale
Mann	Waggoner
McCracken	Westbrook
McDonald	Winfree
McFarland	

Absent—Excused

Jones of Falls	Mays
Lucas	

The Speaker then laid House Bill No. 68 before the House on third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—108

Adkins	Harrell
Alsup	Harris of Archer
Amos	Harris of Dickens
Bates	Hartzog
Beckworth	Heflin
Bell	Herzik
Blankenship	Holland
Boethel	Hoskins
Bond	Huddleston
Boyer	Hull
Bradbury	Hyder
Brown	Jackson
Burton	James
Callan	Johnson of Ellis
Carsow	Johnson
Cathey	of Tarrant
Cauthorn	Jones of Wise
Cleveland	Keefe
Colquitt	Kelt
Davis of Haskell	Kenyon
Davison of Fisher	Kern
Davison	King
of Eastland	Knetsch
Deglandon	Langdon
Derden	Lankford
Dickson	Lanning
Fielden	Leath
Fox	Leonard
Fuchs	Leyendecker
Gibson	Little
Hamilton	Loggins
Hankamer	London
Hanna	Mauritz
Harbin	McConnell
Hardin	McDonald

Metcalfe	Settle
Moffett	Sewell
Morris	Sharpe
Newton	Shell
Oliver	Simpson
Palmer	Skaggs
Patterson of Mills	Smith of Hopkins
Patterson	Smith of Tarrant
of Travis	Stinson
Petsch	Stocks
Powell	Talbert
Prescott	Tarwater /
Quinn	Tennant
Ragsdale	Tennyson
Reed of Bowie	Thornberry
Reed of Dallas	Thornton
Rhodes	Walker
Riddle	Weldon
Roark	Wood
Ross	Worley
Russell	

Nays—3

McKee	Reader
Morse	

Absent

Alexander	Jones of Atascosa
Baker	Keith
Bradford	Mann
Bridgers	McCracken
Broadfoot	McFarland
Cagle	McKinney
Celaya	Monkhouse
Davis of Jasper	Nicholson
Dean	Pope
Dollins	Rutta
England	Schuenemann
Farmer	Smith
Felty	of Matagorda
Graves	Stevenson
Harper	Vale
Harris of Dallas	Waggoner
Howard	Westbrook
Jones of Angelina	Winfree

Absent—Excused

Jones of Falls	Mays
Lucas	

Mr. Hardin moved to reconsider the vote by which House Bill No. 68 was passed, and to table the motion to reconsider.

The motion to table prevailed.

ADJOURNMENT

Mr. Hartzog moved that the House adjourn until 10:00 o'clock a. m., tomorrow.

Mr. Tennyson moved that the House recess until 10:00 o'clock a. m., tomorrow.

The motion of Mr. Hartzog prevailed, and the House, accordingly, at 11:15 o'clock p. m., adjourned until 10:00 o'clock a. m., tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills as follows:

Counties: House Bills Nos. 1108, 1109 and 1111.

Judicial Districts: House Bills Nos. 1065 and 1074.

Revenue and Taxation: House Bill No. 1087.

State Affairs: Senate Bills Nos. 13 and 474.

REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Committee Room,

Austin, Texas, April 14, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 86, A bill to be entitled "An Act requiring taxes to be paid on the listed and rendered value in order to prevent the accrual of penalty and interest; further requiring the payment of such taxes on the listed and rendered value by the owner as a condition to resisting the valuation fixed by the Board of Equalization, in any court; further authorizing the Tax Assessor and Collector to receive the taxes based on the listed and rendered value and to issue a special receipt therefor; further directing the State Comptroller to prescribe and furnish the form for such special receipt; further allowing the owner thirty days after the effective date of this Act within which to pay delinquent taxes based on the listed and rendered value of the property; further providing that this Act shall not in any wise affect or impair the rights of the State, county or other political subdivision to the taxes, penalty and interest accruing on the property valuation over and above the rendered and listed value; further providing that the provisions of this Act are severable; repealing all laws or parts of laws in

conflict with this Act, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 14, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 196, A bill to be entitled "An Act providing for the registration of dogs and for a tax on same; prohibiting unregistered dogs from running at large; prohibiting dogs not muzzled from running at large during the night-time; providing conditions under which certain dogs may be killed; making it unlawful to own and keep a dog not registered; prescribing conditions under which poison may be put out for dogs; prescribing the rate of tax and for use and distribution of such fund; prescribing a penalty for violation of this Act; providing a method by which this Act may be made effective in counties; providing a saving clause in case any part of this Act be held invalid; repealing any and all laws in conflict herewith, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 16, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 322, A bill to be entitled "An Act to prevent unfair and deceptive merchandising practices; making unlawful certain discriminations in price, service or facilities furnished, or in payment for service or facilities to be rendered in connection with the sale of commodities in the course of trade or commerce in Texas; defining cost and other terms contained therein; providing for penalties and certain specific remedies for violation of the provisions herein; providing that those engaged in selling goods, wares or merchandise in this State may select their own customers; providing for price changes under certain conditions; providing for defense of person charged with violation of this Act; providing for the distribution by cooperatives of net profits to members thereof; providing against the sale or

the offering for sale of products at less than cost; providing the system of arriving at or establishing the cost of a given article, product or commodity to the distributor or vendor; providing for exemptions or exceptions to Sections 4 and 5 hereof; designating this Act as the 'Anti-Discrimination Act'; fixing venue for suits brought hereunder; providing that if any part, phrase, section, sentence or clause is declared invalid or unconstitutional it shall not affect the validity of the remainder of the Act, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 19, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 392, A bill to be entitled "An Act amending Article 1436, Revised Civil Statutes of Texas, 1925, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 14, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 389, A bill to be entitled "An Act amending Title 14, Chapter 5 of the Revised Criminal Statutes of the State of Texas of 1925, as amended by Acts of the Regular Session of the Forty-first and Forty-second Legislatures of the State of Texas by adding the following new Article, numbered as follows: Article 1037b, to regulate the packing and marking of packages and containers; requiring the net quantity of contents of such packages and containers to be plainly and conspicuously marked on the outside of package or container; providing for certain variations in weight; prohibiting deceptive pack; defining certain terms; providing penalties for the enforcement of the Act, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 14, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 417, A bill to be entitled "An Act authorizing a District Court to proceed to trial at the instance of either party to the suit, where there are as many as twenty-five parties to said suit, even though some parties who have, or claim an interest in the subject matter involved in said suit, are not made parties thereto, and providing that said judgment so rendered shall be binding on the parties to said suit, but shall in no way affect those not joined or dismissed from said suit, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 14, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 442, A bill to be entitled "An Act amending Article 304, Revised Civil Statutes, 1925, creating a Board of Legal Examiners to consist of seven (7) lawyers providing for the qualifications of its members, for their term of office, method of appointment and removal, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 14, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 529, A bill to be entitled "An Act providing that the governing boards of all institutions of collegiate rank supported in whole or in part by funds of the State of Texas shall exempt all citizens of Texas who are the children of men and women who died in active service during the World War or from disability incurred in the line of duty during said war from the payment of all dues, fees and charges whatsoever for tuition; providing that such citizens shall submit satisfactory

evidence of his status, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 14, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 538, A bill to be entitled "An Act to authorize the sale of additional portions of Harbor Island and other islands in Redfish Bay, Corpus Christi Bay and Aransas Bay and certain lands under the shallow waters of Redfish Bay, Corpus Christi Bay and Aransas Bay with certain restrictions; to authorize the extension by the present owners or their successors and assigns of the original purchase from the State of Texas of such lands under the terms of an act known as the Act of March 13th, 1911, and being Chapter 45 of the Acts of the Thirty-second Legislature of Texas; reserving the oil, gas and other minerals in and under said lands so additionally purchased together with the right of ingress and egress for the purpose of mining and producing the same; providing that the sale and ownership of such land so additionally purchased shall be subject to all existing laws of the State of Texas, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 14, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 637, A bill to be entitled "An Act to make the laws of Texas relating to the National Guard compatible with the Constitution and laws of the United States as required by Section 46 of Article XVI of the Constitution of Texas, by amending the following Articles of the Civil Statutes of Texas as revised in the year 1925; Article 5780 so as to permit maintenance of all the troops allocated to Texas under Federal Law, Article 5839 so as to make nomenclature conform to Federal Law, and Article 5858 so as to make offenses condemned by military law and courts-martial procedure

conform to that of Federal Law and regulations; to repeal any and all laws in conflict herewith."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 14, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 650, A bill to be entitled "An Act validating and approving all acts of the governing bodies of cities and towns of the State of Texas in the issuance and sale of bonds; validating such bonds and the tax levies made for the payment of such bonds; providing the provisions hereof shall not apply to any such proceedings or obligations the validity of which has been contested in any pending suit or litigation, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 14, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 668, A bill to be entitled "An Act appropriating the fund provided for the use and benefit of the Comptroller in the administration and enforcement of the provisions of the Act as provided for in Section 9 of House Bill No. 89, Chapter 353, Acts of the Regular Session of the Forty-fourth Legislature, for the use and benefit of the Comptroller in the administration of said Act from and after May 30, 1937, for the remainder of the fiscal year ending August 31, 1937, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 19, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 673, A bill to be entitled "An Act to amend Acts, 1925, Thirty-ninth Legislature, page 204, Chapter 59; Acts, 1927, Fortieth Legislature, First Called Session, page 206, Chapter 78, paragraph 3, wherein taxes of

a rural high school district may be assessed and collected by the county tax assessor and collector at the same rate of compensation as that paid by common school districts."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 14, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 686, A bill to be entitled "An Act authorizing and directing the Governor to enter into a compact on behalf of the State of Texas with any of the United States legally joining therein; declaring the source of authority to be an Act of the United States Congress; . . . etc., and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 14, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 711, A bill to be entitled "An Act amending Article 7005, Revised Civil Statutes of Texas, 1925, as amended by Acts, 1927, Fortieth Legislature, page 156, Chapter 105; Acts, 1931, Forty-second Legislature, page 755, Chapter 299; Acts, 1931, Forty-second Legislature, page 852, Chapter 360; Acts, 1933, Forty-third Legislature, page 14, Chapter 10; Acts, 1933, Forty-third Legislature, Special Law, page 59, Chapter 49; Acts, 1933, Forty-third Legislature, page 636, Chapter 213; and an Act amending Article 7008, Section 2, Revised Civil Statutes of Texas, 1925, as amended by Acts, 1931, Forty-second Legislature, First Called Session, page 73, Chapter 33, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 14, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 761, A bill to be entitled

"An Act to amend Sections 1 and 3 of an Act creating the Henderson Independent School District of Concho County, Texas, passed by the Legislature, and approved by the Governor March 24, 1925; providing for the changing of the boundary lines so as to include into the Henderson Independent School District all of that certain tract of land owned by O. L. Boyles; as described in a deed to him and recorded in Book No. 28, page 592 of the Records of Deeds, of Concho County, Texas; and to amend Section 3, of said Act, so as to grant and provide for certain authority and certain duties for the Board of Trustees and other officers of said District as hereinafter set out in said Act creating said District, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 14, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 775, A bill to be entitled "An Act making it the duty of the State Highway Department to purchase and issue two license number plates locking devices with each set of license number plates, said locking devices to be used to attach the rear license number plate of all motor vehicles; etc., and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 14, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 793, A bill to be entitled "An Act making it unlawful for any person, firm, company or corporation to move, or cause to be moved any hog or hogs from any premises within twenty-one days following the injection of hog cholera virus without written permission from the Live Stock Sanitary Commission and prescribing a penalty therefor; making it unlawful for any person, firm, company or corporation to transport, draft or drive any hog upon a public thoroughfare, which is then sick

of any contagious disease and which is out of any herd of hogs infected with any contagious disease, except with written permission of the Live Stock Sanitary Commission; . . . etc., providing that this law shall be cumulative of all other laws on the subject."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 14, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee of Engrossed Bills, to whom was referred

H. B. No. 912, A bill to be entitled "An Act amending Article 7249, Revised Civil Statutes of Texas, 1925, by adding a section providing that when the State and County Tax Collector is tax collector for an independent school district that his official bond given to the County shall include moneys collected for such independent school district, and that the amount of money to be collected for the independent school district shall be considered in arriving at the amount of bond to be given by said tax collector; and providing that the independent school district shall pay its pro rata share of the premium for said bond, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 14, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee of Engrossed Bills, to whom was referred

H. B. No. 948, A bill to be entitled "An Act amending Article 6674K, of the Revised Civil Statutes of Texas, 1925, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 14, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 993, A bill to be entitled "An Act providing for the trial and commitment to State Hospitals for the

insanity of persons found upon trial to have been insane at the time of the commission of the act, as well as at the time of the trial of such person; providing for the discharge of persons tried for crime if found to have been insane at the time of the commission of the offense and sane at the time of the trial; providing for the commitment of such persons to a State Hospital for the insane if found to be sane at the time of the commission of the offense but insane at the time of the trial of such persons; providing for the trial of persons charged with crime who were sane at the time of the commission of the crime but insane upon the trial of their case, having been committed to a State Hospital for the insane and later found to have regained their sanity, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 14, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1002, A bill to be entitled "An Act to fix salaries and compensation of County Commissioners in counties with a population of not less than 77,600 inhabitants nor more than 88,000 inhabitants according to the last Federal Census as same now exists or may hereafter exist, and/or having an assessed valuation of not less than \$40,000,001.00 nor more than \$50,000,000.00, according to the last approved tax rolls, as same now exists or may hereafter exist, and providing for the manner of payment of the salaries and the funds from which said salaries shall be paid; and repealing all laws in conflict herewith, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 14, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1034, A bill to be entitled "An Act conferring authority on State Parks Board to acquire for use as a public park a tract of land situated on

Padre Island, prescribing the terms and conditions under which such purchase can be made; . . . etc., and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 14, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1035, A bill to be entitled "An Act providing that it shall be unlawful to kill quail in Wood County, Texas, except on certain days; providing the number of quail that may be killed in one day; providing penalty for violation of this Act; . . . etc., and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 14, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1041, A bill to be entitled "An Act validating all elections and proceedings had in connection with the formation of Andrews Independent School District of Andrews County, Texas; establishing the boundaries of said Andrews Independent School District; providing for the Board of Trustees; providing that said District shall have and exercise all the rights, powers, privileges and duties conferred and imposed by the General Laws of this State upon the trustees of independent school districts, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 14, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1052, A bill to be entitled "An Act amending Section 13 of Chapter 42, page 49, Acts of the regular Session of the Forty-third Legislature; amending said Section 13 of Chapter 42, with reference to salary to be paid the Judge of the County Court of Jefferson County at

Law; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 14, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1064, A bill to be entitled "An Act amending Article 1164, Revised Civil Statutes of Texas, 1925, by providing that the Board of Commissioners in any city or town containing less than 2,000 population according to the last preceding Federal Census may fix the salary of the mayor not to exceed \$600.00 per annum, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 14, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1068, A bill to be entitled "An Act amending Article 2832 of Chapter 15, Title 49 of the Revised Civil Statutes of Texas, 1925, as amended by Chapter 127, Acts, Regular Session, Thirty-ninth Legislature, as amended by Chapter 27, Acts, First Called Session, Forty-second Legislature, and as amended by Chapter 133, Acts, Regular Session, Forty-third Legislature, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 14, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1071, A bill to be entitled "An Act to be designated as Article 2350m providing for traveling expenses for members of the Commissioners' Court in certain counties in this State, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 14, 1937.
Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1078, A bill to be entitled "An Act amending Article 3943, Revised Civil Statutes of Texas, 1925, as amended by Chapter 230, Acts of the Fortieth Legislature, Regular Session as amended by Chapter 346, Acts of the Forty-second Legislature, Regular Session, by providing that in counties containing a population of not less than 42,100 nor more than 42,250 according to the last preceding Federal Census and having a valuation in excess of \$20,000,000.00, the Commissioners' Court may allow the County Treasurer to retain fees and commissions not exceeding \$3,600.00 per annum, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 14, 1937.
Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1080, A bill to be entitled "An Act to amend Chapter 23, Acts of the Fourth Called Session of the Forty-third Legislature; providing that it should be lawful to use one dog for the purpose of hunting, pursuing and taking of deer in Jefferson, and Orange Counties, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 14, 1937.
Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1096, A bill to be entitled "An Act creating County Wide Equalization School Districts in all counties containing a population of not less than 15,700 nor more than 32,500, according to the last preceding Federal Census and containing a valuation of more than \$75,000,000.00; providing for the vesting of the general management, supervision and control of the public schools and educational interests of such counties in

the county board of school trustees; etc., and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 14, 1937.
Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1091, A bill to be entitled "An Act validating the creation and organization of independent school districts, and validating the action of any County Board of Trustees with reference to the creation of school districts out of another independent school district, making this Act applicable to certain counties according to the last preceding Federal Census, and providing that no part of this Act shall affect any litigation now pending, and that only Acts passed by four-fifths majority of the County Board of Trustees shall be valid, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 16, 1937.
Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 82, Authorizing Miss Loulie Gurley, a feme sole, Mrs. R. L. Stribling a feme sole, and Davis Stribling, trustee of the estate of Mary G. McCullough, deceased, to sue the State of Texas and the Highway Department of Texas.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 19, 1937.
Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1088, A bill to be entitled "An Act providing for emergency relief for Kingsland Common School District, No. 29, of Llano County, Texas, to aid said District in the payment of teachers' salaries and in equipping said school building in which there has been an influx of children within scholastic age since the last scholastic enumeration in the

State; making an appropriation to said District for said purposes; prescribing the manner of disbursing the funds appropriated by this Act, and declaring an emergency.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

REPORTS OF THE COMMITTEE ON ENROLLED BILLS

Committee Room,

Austin, Texas, April 19, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 494, "An Act to amend Article 4993, Revised Civil Statutes of Texas of 1925, as amended by Acts, 1935, Forty-fourth Legislature, page 31, Chapter 11, Section 1, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, April 19, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 79, Granting Grover C. Ditto and wife, Nina E. Ditto, permission to sue the State of Texas.

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, April 19, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 1004, "An Act providing that the Commissioners Court of any county wherein the United States Government has or shall hereafter purchase or has designated a purchase unit of at least twenty-five (25) per cent in area of the land in said county for reforestation and other purposes may, with the consent of the Board of County and District Road Indebtedness and the holders of at least eighty (80) per cent of the bonds hereinafter described, refund, under the provisions of existing law, the road bonds of any such county or of any road district or political subdivision thereof, which bonds participate in the County and Road District Highway Fund, into one or more series of refunding bonds and may provide that the eligibility of the bonds being refunded shall be distributed among the various series of refunding bonds in such amounts as may be agreed upon; provided that the eligibility, in dollars and cents, of bonds whose owners do not agree to such distribution shall not be affected thereby, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

In Memory of
Mr. W. M. McDonald

Mr. Bridgers offered the following resolution:

Whereas, The House has just learned with regret of the death of W. M. McDonald of Houston, formerly of Madisonville; and

Whereas, The deceased was an uncle of our esteemed Member and colleague, W. T. McDonald, of Bryan; and

Whereas, The said W. M. McDonald was, during his lifetime, an honored and respected citizen and a former municipal officer in his home city of Madisonville; now, therefore, be it

Resolved, That the House express its regret at the passing of this worthy citizen and express its sympathy to our fellow Member and the other members of the family; and, be it further

Resolved, That a copy of this resolution be spread upon the Journal of today in memory of the deceased; and, be it further

Resolved, That the Chief Clerk of the House be instructed to send a copy of this resolution under seal of the Chief Clerk of the House of Representatives to the relatives of the deceased.

BRIDGERS,
HOLLAND,
BLANKENSHIP.

The resolution was read second time.

Signed—Calvert, Speaker; Adkins, Alexander, Alsup, Amos, Baker, Bates, Beckworth, Bell, Boethel, Bond, Boyer, Bradbury, Bradford, Broadfoot, Brown, Burton, Cagle, Callan, Carssow, Cathey, Cauthorn, Celaya, Cleveland, Colquitt, Davis of Haskell, Davis of Jasper, Davison of Fisher, Davisson of Eastland, Dean, Deglandon, Derden, Dickison, Dollins, England, Farmer, Felty, Fielden, Fox, Fuchs, Gibson, Graves, Hamilton, Hankamer, Hanna, Harbin, Hardin, Harper, Harrell, Harris of Archer, Harris of Dallas, Harris of Dickens, Hartzog, Heflin, Herzik, Hoskins, Howard, Huddleston, Hull, Hyder, Jackson, James, Johnson of Ellis, Johnson of Tarrant, Jones of Angelina, Jones of Atascosa, Jones of Falls, Jones of Wise, Keefe, Keith, Kelt, Kenyon, Kern, King, Knetsch, Langdon, Lankford, Lanning, Leath, Leonard, Leyendecker, Little, Loggins, London, Lucas, Mann, Mauritz, Mays, McConnell, McCracken, McDonald, McFarland, McKee, McKinney, Metcalfe, Moffett, Monkhouse, Morris, Morse, Newton, Nicholson, Oliver, Palmer, Patterson of Mills, Patterson of Travis, Petsch, Pope, Powell, Prescott, Quinn, Ragsdale, Reader, Reed of Bowie, Reed of Dallas, Rhodes, Riddle, Roark, Ross, Russell, Rutta, Schuenemann, Settle, Sewell, Sharpe, Shell, Simpson, Skaggs, Smith of Hopkins, Smith of Matagorda, Smith of Tarrant, Stevenson, Stinson, Stocks, Talbert, Tarwater, Tennant, Tennyson, Thornberry, Thornton, Vale, Waggoner, Walker, Weldon, Westbrook, Winfree, Wood and Worley.

On motion of Mr. Russell, the names of all the Members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted.